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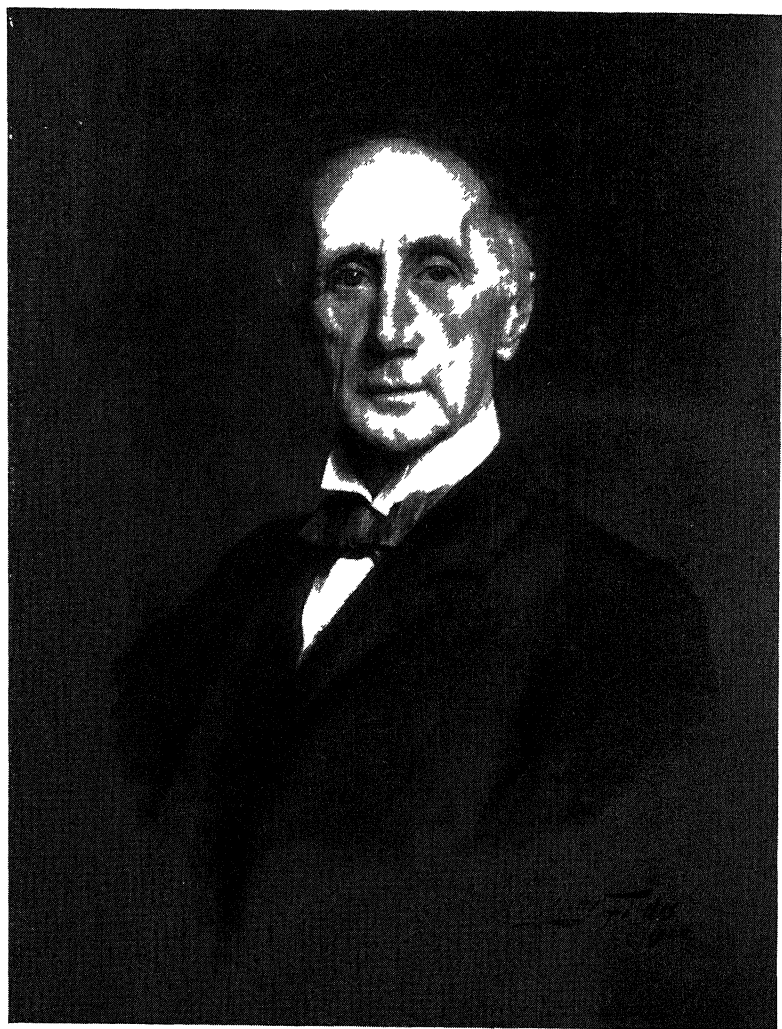
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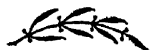
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THE
RECOLLECTIONS OF
SIR HENRY DICKENS, K.C.



THE
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SIR HENRY DICKENS, K.C.



LONDON: WILLIAM HEINEMANN LTD.

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I DEDICATE THESE RECOLLECTIONS
TO
MY BELOVED WIFE

PUBLISHER'S NOTE

AFTER the proofs of this book had been corrected it was decided in consultation with Sir Henry Dickens' family to print the text of the broadsheet describing the Great International Walking Match (referred to on pages 76 to 83) in its entirety. By an unfortunate oversight the reference to this broadsheet on page 76 was left as it had been written originally. The last sentence of the second paragraph on page 76 should, therefore, read:—

“I reproduce it in its entirety to show its delightful buoyancy and lightness of touch.”

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THE PREAMBLE

SEVERAL times I have been asked, in the course of the last few years, when I intended to write my reminiscences. I have hesitated long before making up my mind to do anything of the kind; for I have found, in my own experience, that while many such books have met with much success, some, on the other hand, have been but lightly passed over; while I have not lost sight of the fact that it might further be urged, in my case, that "when age is in, the wit is out." These considerations alone were such as "to give me pause," and while I was still in harness, I put the thought aside. But upon my retirement, at the age of 83, from my long and busy association of over 60 years with the Bar and the Judicial Bench, I began to reconsider the matter. Having plenty of leisure on my hands, I looked back upon my past career, and as old memories were revived it struck me that there was, after all, much in my life, both professional and otherwise, which might prove to be of interest to the general public; and it was this feeling that prompted me, at last, to alter my decision and make the attempt.

One of the principal topics uppermost in my mind must naturally be that of my great father, whose memory will be an undying one to me so long as I live.

On that subject alone I have much to say, for it is one which is of never-ending interest, not only to the mass of his countrymen, but also to all the English-speaking peoples.

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Much has been written of him during the sixty-three years which have elapsed since his death. Forster's *Life* of him is, in my opinion, a monumental work. But it must be remembered that I am addressing an entirely new generation; and Forster's *Life* is a long and expensive book, for purely classical research and not for light reading such as this. What I propose to do, so far as my memory serves me, is to give a slight sketch, in quite informal language, of himself and his movements; especially in connection with the Gad's Hill time. About six years ago I myself published a little book of *Memories* of him; but that little book was on a very small scale, as compared with this one; and, having regard to its size, was necessarily limited in its circulation, which has long since come to an end. In writing this sketch of him I must necessarily record some of the incidents which I spoke of then; for I want to make my present picture of him quite comprehensive and complete in itself, not altogether excluding matters which might appear, at first sight, to be but of small importance, "for the apparel oft proclaims the man." In carrying out this intention of mine I shall, naturally, depend to a very large extent on my own memory, for I kept no diary; but to confine myself wholly to that, would be to give but an incomplete idea of him. Nor do I think it at all expedient that I should do so. I shall, therefore, only where the context calls for it, give extracts from Forster's *Life* and from contemporaneous letters, in order to throw light on matters which cannot be said to be altogether within my own personal knowledge.

As to the working part of my life's history, I feel I need say but little in this place. The Law is a profession which has always been considered as one of peculiar in-

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terest; not only to those who are actively engaged in it, but also to the general public, who are fully alive to its importance, and to whom it has made, in the past, and will continue to make in the future, a never-ending appeal.

But it must be clearly understood, that this book is not intended as a dry law book, though it will recall many interesting experiences and cases connected with the Law, and will attempt to give slight sketches of some of the famous judges and advocates who have taken a prominent part in its administration for over fifty years past.

It is for this reason that I have carefully avoided making use of any of those legal terms or technicalities which would be tedious to the ordinary reader and altogether out of place in a matter-of-fact story such as the present one is intended to be.

These are the two main objects which I have in view; but I cannot altogether put aside my social life, because it has been passed, to a large extent to my great advantage, among literary and artistic surroundings and may, therefore, prove of some interest to those who love art for art's sake. Yet in dealing with that part of my life I propose to do so in far more general language and without going into any very great detail. In the course of my reading a short while ago, I came across a passage written by Thomas Carlyle to the following effect: "In all my poor historical investigations it has been, and always is, one of the most primary wants to procure a bodily likeness of the personage enquired after; a good portrait, if such exists; failing this, even an indifferent, if sincere, one. In short, any representation made by a faithful human creature of that face and figure, which he saw with his eyes, and which I can never see with mine, is now valuable to me."

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Acting on this principle I have taken care to get portraits of some of those people whom I have alluded to in this book.

It will be noticed that among these portraits I have included one of Henry Fielding. I have done this firstly because I was named after him. The original idea was indeed to call me Oliver, after Oliver Goldsmith; but my father thought on the whole that I should so constantly be chaffed about "Oliver asking for more" that he changed his mind and I became Henry Fielding. Secondly, because Henry Fielding was one of the greatest masters of fiction, and thirdly, because he was in the profession of the Law, having been for many years Chief Magistrate in London.

With these preliminary remarks I leave this book to speak for itself, and can only hope that when the reader comes to the word "Finis," he will not put the book down, muttering as he does so: "For this relief much thanks."

H. F. D.

I FEEL I must add a word to my dearly loved husband's preface. Not more than three weeks before his fatal accident, placing his hand on his manuscript, he said to me with a smile: "There, now, I've finished the book, I have revised it, and shall not touch it again, till I correct the proofs." Alas! that was not to be. He was run down and fatally injured by a motor-cycle on December 16th and died in St. Luke's Hostel on December 21st, 1933.

My husband thoroughly enjoyed writing these recollections, and as events came back to him, he seemed to jot them down without the least effort. I offer them now to

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the friends who loved him, to the public, and to those who had met him on his many cruises and who had enjoyed his interesting talks. His was a kind, courteous and generous nature, and he was always ready to lend a helping hand. Those who came before him at the Old Bailey, where he sat as Common Serjeant, were often touched by his kind words of sympathetic help. After his death, most of the many cables, telegrams, letters and cards I received, used the word "kind" or "kindliness" in regard to my dear husband.

I cannot refrain from quoting from one of these letters:

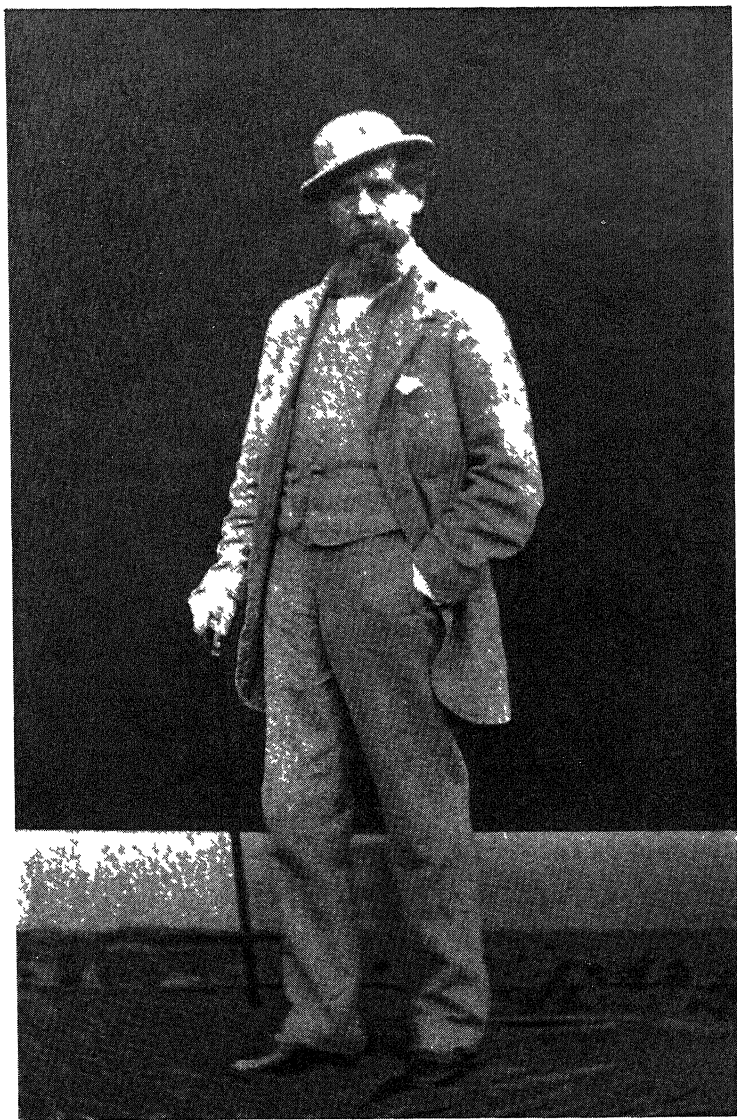
"My Lady. I respectfully offer sincere sympathy in your bereavement. The late Sir Henry gave me a chance a few years ago, when I stood before him at the Old Bailey and I have never forgotten it, and I think he was a real great sport. Please forgive absence of signature."

This was tribute he would have prized above all others. May this book give as much pleasure to its readers, as it gave my dear husband to write it. I am proud and happy to think of our fifty-seven years of happy married life and sweet companionship.

MARIE DICKENS.

PART I

MY FATHER AS I KNEW HIM



Charles Dickens in 1867

CHAPTER I

Early Recollections: Juvenile Theatricals: Mark Lemon: Canon Ainger: Wilkie Collins: "The Frozen Deep": "The Lighthouse."

My life necessarily divides itself into two distinct periods: first, the one which I lived in my father's lifetime; and, secondly, the one which covered my professional life, which did not commence until some time after his death. I was born on January 16th, 1849; my father died on June 9th, 1870, and I was not called to the Bar until November 19th, 1873. The first period, however, comparatively short as it is, vastly transcends in importance and interest to myself any events of late years. During the latter years of my father's life my whole being was engrossed in his; and since his death I live upon my memory of him, which is a very deep and living thing.

Well as I knew him in his later years, however, there is, of course, much that transpired in his everyday life which was necessarily unknown to me. The period I am speaking of is the Gad's Hill time, which began about the year 1857, and lasted till his death. During this time I was at school, either in France or at Wimbledon, while in October, 1868, I went to Cambridge. It follows that for many months on end I was away from home; further, in 1867, he went to America, where he remained until May, 1868. My testimony must, therefore, be

necessarily limited; but not to such an extent as greatly to affect my general knowledge of the man or of his course of life.

My first vivid and real recollection of him goes back, I think, to 1854, in connection with the children's theatricals which took place at Tavistock House on Twelfth Night, and in which I played a leading part. The play was Henry Fielding's burlesque of "Tom Thumb." My father also played a prominent part, that of the ghost of Gaffer Thumb, assisted by Mark Lemon, the editor of *Punch*, a very fat and jovial man, an intimate friend of my father's, who went in the family by the name of "Uncle Mark," who took the part of the Giantess Glumdalca and by Ainger, afterwards the illustrious Canon Ainger, at one time Master of the Temple, who played Lord Grizzle. With such creatures of fun and jollity on the stage the play must have gone with a roar. Forster tells us that at Lord Grizzle's ballad of "Miss Villikins," introduced by desire, Thackeray rolled off his seat in a burst of laughter that became contagious. I particularly remember my father on this occasion because his make-up as the Ghost was purposely made so hideous and frightening that I had to be taken up to his dressing-room to see him, and talk with him for fear that I should go off in a howl if he appeared on the stage before I realised that it was in reality my father and not a real ghost.

He also coached me in my part, more especially in my "business" when I sang my song, which ran thus:

My name it is Tom Thumb,
 Small my size,
 Small my size;



Henry Fielding

MY FATHER AS I KNEW HIM

My name it is TomThumb,
Small my size;
Yet though I am so small
I have killed the Giants tall,
And now I'm paid for all;
Small my size,
And now I'm paid for all,
Small my size.

I have since been told, though I cannot say I have personal remembrance of the facts, that my language at this period was of such a very dubious and incomprehensible character, the words "small my size" being in fact rendered by me as "Mal my tide," that the audience had to be furnished with a copy of the words which I was supposed to be singing.

Very clearly, also, do I recall the play of "Fortunio" in the following year. Its full title was "Fortunio and his Seven Gifted Servants," one of Planché's delightful fairy extravaganzas. Here, again, I took the title rôle, Lemon played the Dragon, whom I was, in due course, to slay, and my father played the part of testy old Baron, while my youngest brother appeared in the bills as "Mr. Plornish-maroonigoonter," at the advanced age of something under three years old. These details I have naturally taken from the description in Forster's *Life*, for I do not pretend, after all these years, to keep such little details in my memory; but I have a very clear recollection of myself in the part of Fortunio. I can see myself now, standing in the wings, waiting for my cue to enter and slay the dragon; and such an inviting dragon, with its enormous paunch extended on the stage, almost asking to be pierced!

Indeed I had to be held back, so tempting was the sight, for fear lest I should strike too soon: but when the cue did come I rushed in and gave him such a triumphant dig that I fear Uncle Mark must have felt the effects of it for some time after. Wilkie Collins, who appeared on the bills as Wilki Collini, played the part of the gifted servant with a large appetite, who gulped down a quantity of enormous loaves in papier maché, which he brought in on a large barrow—a most fitting part for him to play because he had the reputation of being a bit of a gourmand.

Of course, in the theatricals for the “grown-ups” we children took no active part. “The Lighthouse” and “The Frozen Deep,” written by Wilkie, were serious plays and put upon the stage with all the completeness of a public theatre. I did take a minor share in the production of “The Frozen Deep,” I remember, which was to cut up paper for the snow. These plays were very carefully staged and proved a great success. I have an indistinct recollection of seeing some scenes from both plays, but I think this must have been at rehearsals, for it is hardly likely that I should have been allowed to sit up for the evening performances.

It is not necessary for me to recall my father’s experiences on the amateur stage. Forster has fully recorded his theatrical performances with a most distinguished caste for the benefit of the Guild of Literature and Art and his subsequent readings demonstrated what a very great actor he was.

CHAPTER II

*Early Days in France: Distinguished Friends in Paris:
A Review of Troops: The Moulineaux: Sea-sickness.*

It was in 1853 that he first visited Boulogne-sur-Mer, where he rented the Villa des Moulineaux from Monsieur Beaucourt, or rather Monsieur Beaucourt-Mutuel. "Everybody here," writes my father, "has two surnames. I cannot conceive why!" He proved to be a wonderfully good-natured, generous old fellow, who quite captivated my father, with the result that he remained there from the middle of June to the end of September, then from June until October in the following year, as well as in 1856 from May until September; while, in the interval from November, 1855, to the end of April, 1856, he took up his residence in Paris in the Champs Elysées, where he wrote *Little Dorrit*. There he found himself in charming and most congenial surroundings. I have often heard him say, in a jocular way, that he was so much in sympathy with the French people that he ought to have been born a Frenchman: not such an out-and-out Londoner as he really was!

Forster describes his life there as being "passed among "artists and in the exercise of his own art. His associates "were writers, painters, actors or musicians; and when he "wanted relief from any strain of work he found it in the "theatre."

He made many distinguished friends there: the cele-

brated Lemaître Régnier, the great actor; Scribe; George Sand, whom he described as "just the kind of woman, in appearance, whom you might suppose to be the Queen's monthly nurse; chubby, matronly, swarthy, black-eyed, nothing of the blue stocking about her—a singularly ordinary woman in appearance and manner;" Ary Scheffer (who painted his portrait, and a very bad one I have always thought); that sublime actress Madame Viardot; Emile Girardin, and many others: whilst among English people there were Sir Alexander Cockburn, Edwin Landseer, R.A., Macready the actor, Thackeray, the Brownings, and his great friends Mr. and Mrs. White. Of this visit to Paris I have two distinct recollections: one was of an afternoon I spent at the house of Régnier the actor. I can recall that there was a horrible musical instrument there, if it can be so called, in the shape of a kind of hurdy-gurdy, the handle of which I and other children (presumably some of the Regnier family) turned round and round with the greatest gusto, delighted at the hideous sounds we were making; the other was of going to a great review of the French troops upon their return from the Crimea on the Champs de Mars. I can especially recall the Zouaves, "a remarkable body of men," as my father described them, "wild, dangerous and picturesque." On that occasion I wore a French képi and was held up in somebody's arms to cry "Vive l'Empereur" as he passed.

Of the Villa Moulineaux at Boulogne I have very slight recollection. I have a general remembrance of lovely gardens straggling up the hillside with a blaze of bright colours, and of a picturesque kind of chalet called "Tom Pouce," which was reserved for Wilkie Collins when he was

there; but otherwise there are only two incidents which I can recall. One was of a great fire in the town, in the theatre which was totally destroyed. I remember watching it from our house on the hill. It was a great blaze on account of the absence of water supply, which had to be passed from hand to hand in buckets. The other was our journey home in 1856. We travelled in those days in steamers of the General Steam Navigation from Boulogne direct to London Bridge, or rather to Gravesend, which was about four miles from Gad's Hill. The boats were very small, their accommodation far from comfortable. We crossed in a very violent gale, and when I was put to bed I was given a chocolate cigar to keep me quiet, which I clutched in my hand all through that stormy night. We had a terrible time, having been anchored for about eight hours off the Goodwin Sands; and when I was found in the morning the chocolate cigar was still there, but my hand—"was a sight." I was a very bad sailor at that time and continued to be so for many years afterwards. However, that weakness has long since disappeared. I can now generally count upon finding myself in the dining saloon however rough the sea may happen to be. My cure was simplicity itself. I was advised that sea-sickness had much to do with the nerves; and that the one thing to be avoided was to start with the feeling that you were bound to succumb. The only specific remedy that was suggested to me by a friend being this: "As soon as you get on board," he said, "take a glass of neat brandy. This must be taken at once and should be a fairly 'stiff' dose so as to allow of its assimilating with the system before starting." I do not suggest that this will at once cure you; for at first it can only be effective on a short journey, such as the crossing

of the Channel, but when once confidence has been gained and you do not allow your mind to dwell upon it, you will probably find that the sea has lost all its terrors for you—at least, I can only say that this has been my happy experience.

CHAPTER III

School at Boulogne: Marks: The Ramparts—then and later.

WITH this important digression for the benefit of those who “go down to the sea in ships” I return to my story. I was destined to know Boulogne much more intimately a little later; for, in 1858, when I was somewhere about nine years old, I was sent to a school there. It was kept by Messrs. Gibson and Bewsher, and was situate in the Rue de l’Oratoire in the Haute Ville. It was confined to English boys who were sent there, presumably, with a view to their becoming proficient in the French language. I was very young then, and although two of my brothers were at the school, I felt rather sad and forlorn. I cannot say I look back on my days there with any degree of pleasure. I did not quite like dining off tin plates, nor was the food altogether appetising. Very pale veal with very, very watery gravy and the usual stick-jaw pudding were most often the delicacies put before us. I suppose I must have been over-fastidious. The same would apply, I doubt not, to most small boys suddenly taken away from their comfortable homes and transported to a school in a foreign country.

However that may be, I am sure I am on firm ground when I assert that their methods of teaching us French were altogether and radically wrong. The principle was, in effect, to make each boy a spy upon the others. It was

worked out in this way. There were four pieces of wood, which went by the name of "Marks," numbered one to four. Whenever a boy was caught speaking English, he was handed a Mark numbered in accordance with his age. Every morning, at the opening of school, the Head Master would call upon the holders of the Marks to give their names, and the unfortunate possessors of them would be allotted a penalty of writing out a certain number of lines in French, depending upon the ages of the holder, before they were allowed to go out. Meanwhile, the unfortunate holders had to get rid of the Marks before the roll was called next morning. Accordingly, if in the bedrooms at night, for example, a boy were to say, "Now, young Dickens, spin us a yarn," he would be answered by the said young Dickens in excellent French with the words, "Je vous passe la Marque," and the said young Dickens, having relieved himself of his burden, would turn over on his side, with a sigh of relief, and settle himself for sleep before the inevitable slipper could reach his devoted head.

This mode of procedure was, no doubt, started with the best of motives, namely, in order to make us speak French among ourselves; but it was one to which, while we resented it, we were bound, in self-preservation, rigidly to conform.

We had a field somewhere in the neighbourhood where we used to go occasionally in playtime; but the outings which I best remember were the parading in a body two by two round and round the ramparts, or up and down the pier. So far as the ramparts were concerned, I got to hate the very sight of them, and hoped, at that time, never to see them again.

I did see them again, however, some years afterwards, but in far more pleasant circumstances. It was at the time when I was engaged to be married, when both I and my future wife, struck by the romance of the old place, as well as by the fact of its seats being conveniently sheltered from the public gaze, passed many happy hours in this quiet spot which I had, at one time, held in such detestation.

I still, however, owe the ramparts a grudge, because, at this latter time, I was possessed of a well-coloured and very favourite meerschaum pipe, which in the urgency of my courtship, I left on the seat on which we had been sitting, and it was lost to me for ever.

CHAPTER IV

At Wimbledon School: Gad's Hill: The Chalet: "Tale of Two Cities": "Our Mutual Friend": "Great Expectations": "Edwin Drood": My Mother: My Aunt: Pegs, Parade and Custos: "The Gad's Hill Gazette": "The Weekly Dispatch."

It was in about the year 1861 that I went to Wimbledon School, which was kept by Messrs. Brackenbury and Wynne; a very well-known private school, then at the height of its reputation. One of its main objects was to prepare boys for entry either into the Woolwich Military Academy (commonly known as the "Shop") or the college at Sandhurst. It had a fine record, and upon its roll of students can be found the names of many soldiers who have distinguished themselves in military service. The principal mathematical master was a man of considerable attainments, and one to whom I became greatly indebted, at a later period, when I was preparing myself for a University career.

There was, in my case, no intention of my entering upon a military life, nor was the school confined to that. Indeed, I do not suppose that, at that time, there was any idea, one way or the other, as to what my future was to be; though when I became a few years older, there was a definite suggestion that I should enter the Indian Civil Service. Indeed, so strong did this idea become in my latter days at school that I and one other boy had an

Oxford Professor down once a week to teach us Sanskrit. Happily for me that idea never fructified, and, much as I enjoyed reading the Vedas with the Professor, I derived no practical value from my Sanskrit tuition.

But the importance of this part of my life lies in this: that it was then that my real life as Gad's Hill can be said to have begun, that wonderful peaceful and intensely interesting period, one which increased in interest as I grew older and began to realise what it meant to be the son of such a man as my father.

To him Gad's Hill was everything. He was always making some new improvement, increasing its comforts and adding to its attractions. It is impossible to convey in words his happiness in these surroundings. He did much of his work there. Indeed, it is difficult to fix upon a time when he was not at work, either upon a definite book or in contemplation of a new one. In 1859 he wrote *The Tale of Two Cities* there. This was followed by *Great Expectations*, published, not in monthly parts, as heretofore, but in *All the Year Round*, in which it ran from the middle of October, 1860, to June, 1861. *Our Mutual Friend*, which was the next, extended from May, 1864, to November, 1865, and *Edwin Drood* was commenced at the end of 1869, the last page of the sixth number being written in the Swiss chalet in the afternoon of June, 1870, a few hours before his seizure on the same night.

In a letter to Forster in January, 1865, he thus describes the chalet. "My room is among the branches of the trees; "and the birds and the butterflies fly in and out, and the "green branches shoot in at the open windows, and the "lights and shadows of the clouds come in and go with the "rest of the company."

Pausing here for a moment, can it be said that any of these works, written in this Gad's Hill period, show any weakening in his imagination or power of description, or of his sense of humour? *Great Expectations* he himself regarded as one of the best of his books. Indeed, I have heard him say that, putting *Pickwick* aside as being a book by itself and quite unlike his other work, he would place *David Copperfield* first and *Great Expectations* next to it. I do not pretend to be much of a critic, nor do I desire to set myself up as one; but, speaking merely as a reader, is there not much to be said in favour of that conclusion? When I was giving public recitals of his works for the Red Cross during the War, I "cut" *Great Expectations* for a reading. It took me several weeks to do, and it was then so long as to take one hour and forty minutes to deliver. I recited it in the theatre at Newport in Wales. It proved to be a wonderfully dramatic reading and took a large and intellectual audience by storm. It was certainly one of the most successful of all my readings. On this subject may I pause for a moment to say, *entre parenthèse*, that in that course of recitals which I gave later during the War I gave the same series of readings that my father used to give; and I eventually handed a cheque to the Red Cross for £1200. I may add, though I do not want to make a boast of it, that in giving these dramatic recitals it is the fact that I never had recourse to my book. I knew from the experience I had of my father's readings how vitally important it is in such performances, to keep your eye fixed on your audience, and it was for this reason that I adopted this course.

To return to my argument as to *Great Expectations* being one of the finest of all of his works, let me consider

for a moment its principal features. The grim beginning of the story, the delightful picture of Joe Gargery and Mrs. Joe with her Tickler when "on the Ram-page," that hopeless ass Pumblechook, Wopsle, Jaggers, Wemmick, Trabb's boy, for characters; and for dramatic effect the scene in Pip's Chambers in the Temple on that stormy night when he heard "a footstep on the stairs" and learned for the first time the source from which his expectations had come, could hardly be bettered. And then the scene in court where Magwitch was sentenced to death. "The sun was striking in at the great windows of the court, through the glittering drops of rain upon the glass, and it made a broad shaft of light between the two-and-thirty [prisoners herded together for sentence] and the Judge, linking both together, and perhaps reminding some among the audience, how both were passing on, with absolute equality, to the greater Judgment that knoweth all things and cannot err." Above all, I would draw special attention to the gradual deterioration of Pip and how, at a later time, he and the rugged, vulgar convict worked upon each other for good, which shows, as it appears to me, the work of a master's hand.

I have dwelt at some length on this topic because I have so often found that people who have professed a great admiration for his work had not even read *Great Expectations*, or, if they had read it, had passed it by without any particular comment.

The Tale of Two Cities again, which is second of the Gad's Hill period is, I believe, one of the most popular of his books; and *Our Mutual Friend*, though Forster speaks of it with somewhat faint praise, cannot be said, I think, to be in any way inferior to much of his previous work.

Great Expectations is of peculiar interest to me, because I am so thoroughly acquainted with the country which is the main scene of the story. I have constantly walked with my father through the marshland beside the river; I have often been to Cooling Castle, sometimes with, and sometimes without him, and have looked down upon "the "five little stone lozenges, each about a foot and a half "long, which were arranged in a neat row beside their grave "and were sacred to the memory of five little brothers "[of Pip's]—who gave up trying to get a living exceed- "ingly early in that universal struggle," and which impressed Pip with the belief "that they had all been born on "their backs, with their hands in their trousers pockets and "had never taken them out in this state of existence."

I loved this marshland country, so wild and eerie in stormy weather, with its wonderfully rapid alternations of light and shade.

Of *Edwin Drood*, the last of all, I desire to say but little. The public, I think, fully recognise the strength of that partly written story; and I do not propose to enter into any discussion as to what the end was to be; though, I altogether decline to endorse some of the wild suggestions as to the identity of Datchery, or to accept the solution that Edwin Drood was never murdered in fact. My father hardly ever used to discuss with us any of his books in their making, though in the case of *Edwin Drood* it is undoubtedly the fact that he said to my aunt, Miss Hogarth, on one occasion: "You must "remember that I am not writing the *history* of Edwin "Drood, but the *mystery* of Edwin Drood"; about as significant a remark as could well be in considering this enigma. I have learnt much from Sir Luke Fildes, R.A.,

the illustrator, and from my brother Charlie which helps to solve this problem—but let it be. It is a fine ending to a great career: so let it rest.

There were five of us boys at home when we first went to Gad's Hill: Frank, Alfred, Sydney, Edward (otherwise Plorn) and myself. My sister Mamie kept house, in conjunction with my dear Aunt Georgina Hogarth, for, of course, the unfortunate estrangement and consequent separation between my father and mother had taken place when I was still a mere child. On that subject it is not my intention to speak, for it can be of no possible interest to the general public. All I desire to say about it is this: that both in my father's lifetime, with his full knowledge and acquiescence, as well as after his death, I used regularly to visit my dear mother at her house in Gloucester Crescent, Regent's Park, and that we lived on terms of mutual affection until her death in the year 1879.

My dear mother, who was of Scotch descent, used to tell a story, which may be a chestnut, though I never heard it before, of a Scotch woman's views with regard to the Garden of Eden. Someone had been expatiating to her on its beauties when she retorted, in broad Scotch, "Eh mon, it would be nae temptation to me to gae 'rinning about a gairden stairk naked 'ating green apples."

There was another story which she used to tell and which had reference, I believe, to a member of the family. An old lady, in her dotage, suffered from that embarrassing failing of calling things by their wrong name. She was very fond of sweetbreads, and on one occasion, when the covers were taken off the dishes and she saw that it contained her favourite dish, she clapped her hands in her

delight, and said, "Turnpikes again; this is kind!"

Of my dear Aunt Georgina Hogarth I wish to say this: she was one of the dearest friends I ever had, and till her death was always in the closest possible relationship with my wife and my children. She originally became a member of the household at Gad's Hill, shortly after my father's return from his first visit to America, and remained there until his death. After that she, I and my dear sister Mamie, took a house together and after my marriage she continued for some years to live with my sister till the latter went to live in the country, after which my aunt lived close to us. In the well-known notebook which my father started in January, 1855, in which he, for the first time in his life, made notes of thoughts to be available in future writings, there is a rough and somewhat disjointed description of a proposed character, of which the greater part was peculiarly applicable to her: "She sacrificed to children—and sufficiently rewarded. From a child herself always the children (of somebody else) to engross her—and so it comes to pass that she is never married—never herself has a child; is always devoted to the children of somebody else—and they love her; and she has always youth dependent on her till her death—and dies quite happily."

This is just as I knew her. Auntie Georgy was devoted to the children and was beloved by all of them. She was always in close touch with us and died in perfect happiness in the year 1917 in her ninetieth year. She is alluded to in my father's will as "the best friend man ever had."

My father was very orderly in his methods and punctual in his habits; and, as we small boys were somewhat slack and untidy, a system was set on foot which



W. E. Kieffer's

went by the name of "Pegs, Parade and Custos." To each boy was allotted a particular peg for his hat and coat; there was a parade from time to time in order to check the stains of grease or dirt which had accumulated on our clothing; and to one boy was allotted the task each week of collecting the sticks, balls and croquet and cricket materials which represented the "Custos" for the week. We shied a little at this kind of discipline on the first going off, but we soon fell into line and rather enjoyed it than otherwise.

I am not altogether a great admirer of small boys of tender years. They are a somewhat rare "kettle of fish," and any kind of discipline which can tend to check their latent inclination to mischief should be, by all means, actively and persistently encouraged.

It was in about the year 1865, I think, that that illustrious journal, the *Gad's Hill Gazette*, first made its appearance. It originated in an odd way—in this way: There were four of us at Gad's Hill at the time, Frank having gone away, I think. Anyway, there were four of us boys who were somewhat bored with life and wanted occupation of some kind or another. In a flash one day a bright idea occurred to one of us, "Let us dig a well." This we proceeded to do with not altogether unsatisfactory results, for whenever visitors came on the scene to see how we progressed we took care to chalk his or her boots, which necessitated a tip to "pay for their reckoning," Wilkie Collins being a very constant and not unwilling victim of this levy. Indeed, things were going very nicely for us when it suddenly occurred to the commander-in-chief that the well had now reached such a depth that at any moment we might find one at least of our number

buried alive. A peremptory veto against any further digging followed, to our intense disappointment. Here was a blow! An end put to our small sources of income!

After deliberation one of our number suggested as a substitute—a newspaper! Why not start a newspaper? This was considered a happy thought; so we set to work at once. It was a small undertaking at first, as all “big” things are; indeed I may say very small. But, though the undertaking was small in itself, we had a large and most enlightened staff. An editor who had nothing to edit, a writer who wrote nothing, an office boy and a bell. The bell did most of the work. I was the boy and the bell was continually rung for my attendance, though why I was wanted I never quite understood. However, it all looked very imposing, and that was all we cared about.

The outcome of this gallant show was the issue, every week, of one ordinary sheet of notepaper containing an account in writing of the principal events of the week at Gad’s Hill. Little by little the number of the sheets was increased by means of a manifold writer; and at last, when I was the only member of the company left, Mr. Wills, the sub-editor of *All the Year Round*, presented me with a real working printing press, complete with all necessary type and other accessories. I at once proceeded to learn the art of printing at the large printing establishment, Beaufort House in the Strand; and it was not long before I mastered the necessary processes of “composing,” “typing,” “tightening-up the chases,” and so forth, necessary to produce the printed sheet. The paper scheme now assumed a very different aspect, for, ceasing to be a mere part of a childish play-acting, it became a matter of really hard and continuous labour. I worked

it entirely by myself. I was the author, the compositor, the printer and the publisher all in one. I had as many as one hundred subscribers, and the issue every week was that of a paper of four printed sheets at twopence a copy. I first of all had to collect the items of news of what had occurred during the week, not only at Gad's Hill itself, but in the surrounding neighbourhood, write a modest little leader, set up the type, print the copies, address, stamp and post them and finish up by "distributing" and cleaning the type for use on the next edition. It really took up the whole of my week; but it was quite an interesting job and I enjoyed it. The issue was greatly enlivened one week when H. F. Chorley, the well-known musical critic of *The Athenaeum*, in conspiracy with my father, wrote a highly indignant letter of complaint about something or other, to which my father in the next issue replied in suitably venomous language. All the copies of the *Gad's Hill Gazette* which I retained have, unfortunately, disappeared, but I was somewhat surprised a few years ago to read the account of an auction sale in which four copies bearing date, I think 1865 or 1866, fetched £250.

In one number I even "dropped into poetry," the subject being a dirge on the death of Turk, our old and devoted dog. I can only hope and pray that that number has been lost for all time, for the poem was shocking drivel. And here I must confess to another bold attempt to become a follower of Tennyson, for I wrote a poem entitled "To a Swallow," and even had the hardihood to send it in to *All the Year Round*, for I was rather proud of it. My father was very kind, but he made it quite clear to me in suitable language that I was not

destined to become a great poet and had better stick to things mundane, like the study of the law.

Whilst on this subject I should like to mention a real venture that I undertook in the newspaper world many years later. For ten years I ran the *Weekly Dispatch* (now the *Sunday Dispatch*) as Trustee of the will of my very dear friend Ashton Dilke, brother of Sir Charles. He had bought the paper when it was almost bankrupt and had invested a considerable sum in machinery. Upon his death, which took place at a very early age, the paper was in a very bad way, for they had had a heavy libel fine the year before and it was not worth a year's purchase in the market. It was his only available asset, and he left a widow and three children. I was made the trustee under his will and I mentioned the matter to Sir Charles, with the result that I came to the conclusion that the only possible course for me to adopt was to run it myself as a going concern.

I consulted Mr. John Morley, who recommended me an excellent editor in the shape of Mr. Hunter, then Member for Aberdeen. I had a manager, Mr. Vernon, who proved to be quite invaluable and highly progressive, and I started the undertaking—of course I took no part in the conduct of the paper, but I did my best not to assume the role of a bare uninterested Trustee. I attended all their "wayzgooses," sang them a song or made them a speech; attended their "outings" in the country from time to time and used to go to Wine Office Court to have a talk to the men while at work and see whether there was anything wanted for their comfort or to facilitate their labour. I ran the paper for ten years when, finding that the competition was keen and that our

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advertisements were steadily falling, I sold it, and when I wound up the estate was fortunate enough to be able to hand over to the widow and children the handsome sum of £60,000.

This is somewhat of a digression I am afraid; but in writing these reminiscences I think it better not to act on any formal lines, but to set down what comes into my mind as I write.

CHAPTER V

The Animals and Birds: The Staplehurst Accident: The Raven and the Mastiff: Some Visitors: A Strange Accident to Aunt Letitia: The Cricket Club: My Father's Radical Views: His Orderly Habits: His Tramps in London.

To return to the life at Gad's Hill. We were, indeed, a "happy family" there—in which category I include our dumb friends, the horses, cats, dogs and birds. I once received a somewhat extraordinary letter from a young man in America (it is wonderful how many letters about my father I receive from there), in which he asked me if it was true that my father hated horses and loved the colour "puce." So far as "puce" is concerned I am quite at a loss to understand what was in the writer's mind with regard to that particular colour, but as to horses, there never was a more absurd mistake. My father loved all animals. For horses, we had a good strong old horse for heavy work, and that delightful sprightly pony with a "hogged" mane named Newman Noggs, which my father used to drive in the basket carriage, to the merry tune of a set of sledge bells attached to his harness. For dogs we had Turk (the mastiff), Linda (the St. Bernard brought by Albert Smith from the Alps) and Bumble (the young Newfoundland who was always lolloping about and bumping against something or somebody in a happy sort of way), and, lastly, that wonderful Pomeranian of my sister's named Mrs. Bouncer (after the

play of Box and Cox). She was very small, very agile and entirely devoted to my father, and whenever he appeared in the garden she would career madly round and round him in a most amusing and excited manner.

Turk met with a tragic end, having been run over by a railway train to the great distress of Linda, who was then a puppy. This was about the time when my father was in the terrible Staplehurst accident, which left a shock upon his nervous system from which he never quite recovered. I have seen him sometimes in a railway carriage when there was a slight jolt. When this happened he was almost in a state of panic and gripped the seat with both hands. This continued for some considerable time. Turk was replaced by Don.

At one time, indeed, there was a dog of a very different type. He was a large Irish hound given to my father by Percy Fitzgerald, but he became so vicious in his habits that he had to be shot. Of cats there was a delightful domestic animal named Wilhelmina, who used to follow us in our walks in the surrounding lanes like a dog. For birds Dick (the best of birds), the goldfinch who was trained to draw up his own water by means of a chain and cup, and last and not least Grip the raven (the third of that ilk).

It was a rare treat to see how that bird dominated over Turk the mastiff. This used to afford my father and myself intense amusement, I remember. When Turk's food was put before him Grip, all alive, would at once hop on to the dish and sample it, while Turk would look on in a sheepish manner and dare not approach until Grip had hopped away. The artfulness of that bird, also, was

amazing. We have often watched him. He would pretend to be burying some object and, while cocking his eye at us, would make a great pretence of covering this up in the flower bed. He would then hop away and bury it, in fact, in an entirely different place. He died a premature death, by reason of his being unable to digest a dose of lead paint from which he was trying to make a meal. This Grip, I may add, was not in any way related to the great original.

There were many visitors to Gad's Hill whom it is quite impossible for me to recall. Those who were the immediate friends of the family were John Leech, Frith, R.A., Wilkie Collins, Charles, his brother (my sister's first husband), Sir Emerson Tennant, John Forster, Fred Chapman the publisher, Percy Fitzgerald the writer, H. F. Chorley, the well-known musical critic of *The Athenaeum*, Chauncy Hare Townsend, Mr. Helps, Lady Molesworth, Charles Kent, Charles Lever the author, Marcus Stone, R.A., Fechter (the actor), Kinglake, the famous War Correspondent of *The Times* in the Crimea, Albert Smith and his brother Arthur, who was the manager of my father's first set of readings, and that delightful old lady, well known in society, Miss Mary Boyle, full of life and with a strong sense of humour, who was apparently so well known as to appear to be the universal "cousin" of everybody. My father's sister, Letitia (Mrs. Austin) was also a constant visitor, accompanied by the blind Harriet Dickens, a widow of one of my father's brothers. A dear, good soul was Aunt Letitia, Betsy Trotwood all over, both in looks and manner. She loved to be amused and, I am afraid, on the occasion of her visits I made a bit of a mountebank of

myself in order to give her pleasure. She was on one such visit when she met with a very strange accident. The hall at Gad's Hill was, at that time, being laid with parquet and the floor had been partly taken up, planks being placed at intervals for us to walk on. In doing this Aunt Letitia missed her footing and her leg went clean through the lath and plaster into the china room below, her leg dangling from the ceiling like some new and strange form of chandelier. She was a heavy woman and her leg was tightly fixed. I managed to lift her up a little way when down she bumped again. The situation was ludicrous, and I laughed and she laughed, and the more we laughed the more utterly incapable we became, so that, in the end, I had to call in two stalwart men from the stables to pull her out of the void and deposit her on a sofa not in any way hurt but breathless from hysterical laughter.

There being no such thing as golf or lawn tennis in those days, our principal home game at Gad's Hill was croquet—not merely fooling about, but good and earnest play. Croquet was not at that time the extremely scientific game it has become, but we used to have strenuous and hard fights for all that. There were occasional games of whist, but my father did not care much for cards and, with regard to music, although he used to love the ballads which my sister Mamie would sing of an evening, he never greatly cared for classical music.

We had a cricket pitch in a large field at the back of Gad's Hill, and played several matches; but, the club not being altogether satisfactory, I wrote to him in America, telling him of my proposed schemes with a view to its firm remodelling. His letter, dated Buffalo, Tuesday,

February 11th, 1868, is really of more than ordinary interest, because it is so strongly characteristic of himself and demonstrates the radical nature of his views and his keen desire to maintain the full rights of the working man.

The letter runs thus:

In reference to the cricket club's not being what it might be, I agree with you in the main. There are some things to be considered, however, which you have hardly taken into account. The first thing to be avoided is the slightest appearance of patronage (one of the curses of England). The second thing to be avoided is the deprivation of the men of their just right to manage their own affairs. I would rather have no club at all than have either these great mistakes made. The way out of them is this: Call the men together and explain to them that the club might be larger, richer and better. Say that you think more of the neighbouring gentlemen could be got to be playing members. That you submit to them that it would be better to have a captain who could correspond with them and talk to them and in some sort manage them; and that, being perfectly acquainted with the game and having long played it at a great public school, you propose yourself as captain for the foregoing reasons. That you propose to them to make the subscription of the gentlemen members at least double that of the working men, for no other reason than that the gentlemen can afford it better, but that both classes of members shall have exactly the same right of voting equally in all that concerns the club. Discreetly done, I see no difficulty in this. But it can only be honourably and hopefully done by having the men

together. Whatever you do, let the men ratify; and let them feel their little importance and at once perceive how much better the business begins to be done.

Being entirely in accord with these generous and enlightened views, I called the men together and, after a very free and open discussion, we drafted the necessary rules and regulations, and I was chosen to be their captain. They were a thorough good lot of fellows and we worked together capitally. When my father returned from America he regularly acted as scorer, and he took care that any of the neighbouring people, who came to the matches should find in the scoring tent cooling drinks in the hot weather. Of course, in my capacity of captain I had to attend the cricket dinners, sometimes at lunch times, sometimes in the evening. It was amusing to hear their speeches and also their "sentiments" which had to be given sometimes in lieu of a speech, such as "More pigs and less parsons," "When the French come over may we meet them at Dover," and so forth.

We had a billiard table as well, though not full size, on which we used to have exciting handicaps. In this connection Marcus Stone, afterwards a member of the Royal Academy, made a pencil sketch of one such game which included myself at the age of seventeen or eighteen.

My father was singularly orderly in the habits of his life. As Forster has written of him: "To all men who do much, rule and order are essential; method in everything was his peculiarity." This feature of his life was every day apparent in his life at Gad's Hill.

A light breakfast, a stroll in the garden with a cigar

and then work until somewhere about 3.0, for he but rarely came in to lunch. Then followed his long walks in Cobham Park or on the marshes, though it cannot be said that they constituted much relief to his brain, because it was generally actively at work the whole time. Often did I accompany him in these walks, but rarely did any conversation pass between us, for I knew his mind was at work. In his home everyone relied on him. "Under every difficulty and in every emergency he was the encouraging influence, the bright and ready help."

These quiet country walks however were very different to those long and restless nights in London when, as everyone knows, he used to tramp through the streets in the dead hours of the night when his brain was at work. Nor do they fall within the category of those night excursions which he used occasionally to make, accompanied, for his own protection, by some member of the police on their beat; when he visited the haunts of criminals, the common lodging-houses, thieves' kitchens and opium-smoking dens which were then in existence and which have been happily swept away by the licensing laws. On such occasions I have heard him say, when a sleeper was awakened by the light of the policeman's bull's eye, the remark which generally fell from his lips would be simply, "Who's wanted?" I once just missed a great opportunity. It had been arranged that I was to accompany him on one of these excursions, but unfortunately I was detained at Cambridge on the appointed day and I was unable to go. That night he visited the opium den which is described in the first chapter of *Edwin Drood*.

He was very abstemious in his habits, though there is much in his books on good cheer and plentiful libations.

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He enjoyed his glass of wine like other people and he particularly loved the nightly ritual of mixing his evening glass of gin punch, which he did with all the energy and discrimination of Mr. Micawber himself.

CHAPTER VI

*A Visit of Hans Christian Andersen: My Father's Strange
Reticence: His Parting with His Youngest Son: A Letter
to Him: My Brothers: Nicknames.*

AMONG the distinguished visitors to Gad's Hill was that delightful and deservedly popular humorist, Hans Christian Andersen, whose children's stories such as "The Ugly Duckling," "The Tin Soldier," and many others have given pleasure, and still give pleasure to many thousands of people, both young and old. My father thought very highly of his literary work, and on his invitation he came to Gad's Hill for a short visit in June, 1857. He turned out to be lovable and yet a somewhat uncommon and strange personality. His manner was delightfully simple, such as one rather expected from the delicacy of his work. He was necessarily very interesting, but he was certainly somewhat of an "oddity." In person, tall, gaunt, rather ungainly; in manner, thoughtful and agreeable. He had one really beautiful accomplishment, which was the cutting out in paper, with an ordinary pair of scissors, of lovely little figures of sprites and elves, gnomes, fairies and animals of all kinds which might well have stepped out of the pages of his books. These figures turned out to be quite delightful in their refinement and delicacy in design and touch. Much as there was in him to like and to admire, he was, on the other hand, most decidedly disconcerting in his general manner, for he used

constantly to be doing things quite unconsciously, which might almost be called "gauche": so much so that I am afraid the small boys in the family rather laughed at him behind his back; but, so far as the members of the family were concerned, he was treated with the utmost consideration and courtesy. On the first morning after his arrival, for instance, he sent for my eldest brother to shave him, to the intense indignation of the boys; and with the result that he was afterwards driven every morning to the barber's at Rochester to get the necessary shave.

At dinner time, on the same day, he greatly embarrassed my father, who was offering his arm to a lady to take her into dinner, by suddenly seizing his hand, putting it into his own bosom and leading him triumphantly into the dining-room.

Wilkie Collins was at Gad's Hill at the time and the hat which he wore was a very large wide-awake. Andersen one day, quite unknown to Wilkie, surreptitiously crowned this hat with a large garland of daisies, a fact of which full advantage was taken by the mischievous boys of the family. With apparent innocence, they suggested to Wilkie a walk through the village. To this Wilkie, quite unconscious of his garland, willingly assented; but he must have been somewhat surprised, I think, at the amount of merriment which his presence seemed to arouse in the minds of the villagers who passed us on our way.

I am glad to know, upon the evidence of a letter he wrote to his sister, that he thoroughly enjoyed his visit, and he must have done so, for he remained at Gad's Hill for over five weeks, a longer time, I think, than was originally anticipated.

I should like to pause here for a moment or two to point

out a feature about my father which we never could quite understand. He was curiously reserved; he did not like to show what he really felt. He was afraid of "letting himself go." This was very forcibly shown in an incident to which I have already alluded in my little book of *Memories* but it is so striking that I feel I must repeat it here. At the end of my first year at Cambridge I won the best mathematical scholarship of the year in my College (Trinity Hall). I knew this news would give my father intense pleasure, as, in fact, we know from Forster's *Life*, it did. I met him in the train at Higham Station to tell him what had happened and I gave him the news as he alighted from the train. He said, "Capital!" "Capital!" that was all. I was, I must confess, somewhat disappointed at this rather luke-warm treatment of my news; but my father could not for long maintain this apparently cold attitude. Half-way up the road to Gad's Hill he completely broke down. Turning to me with tears in his eyes he gave me a grip of the hand, which I can almost feel now and he said, "God bless you, my boy, God bless you."

That this reserve was not occasioned because of any want of feeling for his children was quite well known to all of us. His affection for us was, indeed, very deep. I shall never forget, so long as I live, the parting which took place between my father and my brother Edward, his youngest and best-loved son, when he left home for Australia in September, 1868. I accompanied my brother to Plymouth to see him off in one of Green's sailing ships, and was on the platform of Paddington station when the parting took place. I never saw a man so completely overcome; giving way, as he did, to extreme sorrow, quite

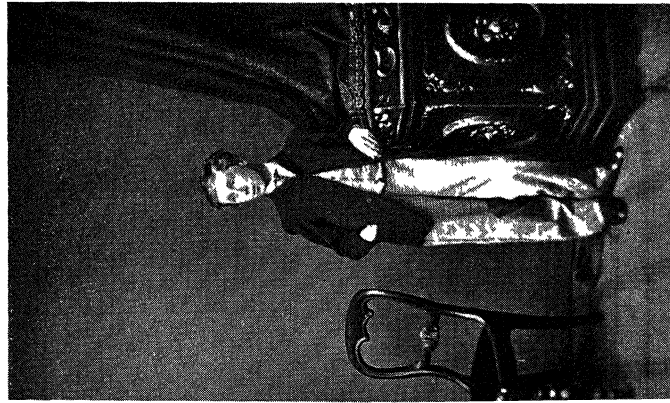
unconscious of his surroundings on the platform. His true feelings are so often disclosed in his private letters that I make no apology for giving an extract from a letter which he wrote to my brother on this occasion:

I write this note to-day because your going away is much on my mind, and because I want you to have a few parting words from me to think of now and then at quiet times. I need not tell you that I love you dearly and am very, very sorry in my heart to part with you. But this life is half made up of partings, and these pains must be borne. It is my comfort and my sincere conviction that you are going to try the life for which you are best fitted. I think its freedom and wildness more suited to you than any experiment in a study or office would have been; and without that training you could have followed no other suitable occupation. What you have always wanted until now has been a set, steady, constant purpose. I therefore exhort you to persevere in a thorough determination to do whatever you do as well as you can do it. I was not so old as you are now when I first had to win my food, and to do it out of this determination; and I have never slackened in it since. Never take a mean advantage of any one in any transaction and never be hard upon people who are in your power.

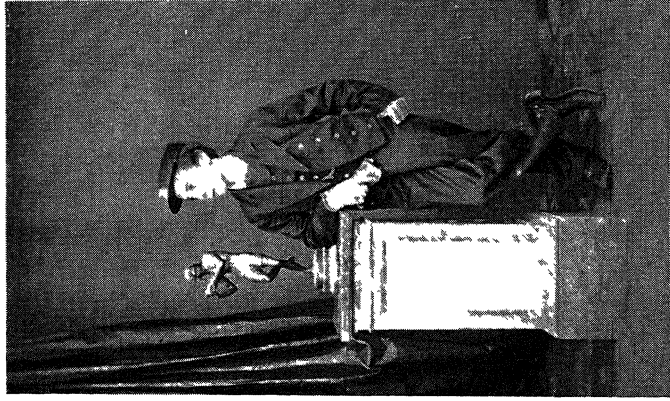
The sequel was this: my father bought a sheep "run" for him on the River Darling. There was a heavy drought one year and the sheep died like flies and his business was entirely destroyed. He then joined my brother Alfred in a land agency in Melbourne, which was never very successful I am afraid. He was at one time a member of the Legislative Assembly and is remembered by a rather

clever *bon mot* which he made on one occasion. One of the members was a loud-talking, unpopular man of the name of Willis, who had been addressing the House in his usual loud and boisterous manner; and, in the course of the address, had been expressing his willingness for a certain course to be adopted, when my brother retorted: "It is not the question of whether Barkis is willing. All we know is that Willis is barking." He married in Australia and died without issue in January, 1902.

It may be of interest at this point to note what became of my various brothers. My brother Charlie, who had been to Eton, then to China in a large mercantile house, subsequently went into partnership as printers with Evans, a brother of his wife's, and at a later period carried on the business of *All the Year Round*, which had been bequeathed to him. He died in July, 1896, leaving one son and several daughters, many of whom are happily living at the present day. Walter went to India, gazetted to a native regiment which had been disbanded at the time of the Mutiny, and which had consequently been attached to the 42nd Highlanders (the Black Watch). He died when in Calcutta on his way home on sick leave in December, 1863. Frank, whom I always considered the cleverest and best read of all of us, in spite of a very quick temper and strange oddities of manner, joined the Indian Mounted Police, a very popular force at that time, and he remained in it for some years. After my father's death he was foolish enough, in an unhappy moment, to resign his position in that body, and it was only with some difficulty and with the help of Lord Dufferin that he succeeded in obtaining a commission in the North-West Mounted Police in Canada, which



The Author as a Boy



Sydney Dickens
(*died at sea 1872*)



Edward ("Plorn") Dickens
(*died 1892*)

entailed a life of considerable hardship. He greatly distinguished himself in the great Riel rebellion in Canada and, as a result of the hardships which he had then to undergo, he died in America in June, 1886. Alfred went to Australia in about 1867, where he was afterwards joined by his brother, and remained there continuously until 1911, when he went to America on a lecturing tour and died there in January, 1912. He had been quite a stranger to the family from the time he went to Australia. He left two daughters, who came over to this country some years ago, and remain great favourites with all of us. Sydney went into the Navy, and died on his way home on sick leave in May, 1872, and was buried in the Indian Ocean. He was the boy who, in his childhood days, went by the name of "the Ocean Spectre," from a strange little weird, yet most attractive, look in his large wondering eyes.

A quaint nickname was not confined to Sydney, for Frank went by the name of "Chicken Stalker," Alfred passed as "Sampson Brass" or "Skittles," and my brother Edward was always "Plornishmaroontigoonter," as he appeared in the playbills, or "Plorn" in ordinary parlance. I have sometimes speculated as to whether this name was taken from Mr. Plornish in *Little Dorrit*, or whether Mr. Plornish was taken from the nickname or whether the name appeared in that little book which my father started in a panic lest his powers of imagination should fail him. In my own case the name by which I was known was of a much more modest character. It was simply Mr. H., as in the playbills, or simply H. in ordinary life, a mode of address which stuck to me for many long years afterwards.

CHAPTER VII

His Thoroughness and Religion: A Prayer: A Lesson in Shorthand.

THERE was one thing which my father could not stand, and that was to see any one of us half-hearted about anything we had to do.

He never did anything, either at work or play, without putting his whole heart and soul into it. "Do everything "at your best," he used to say to me. "I can assure you I "have taken as great pains with the smallest thing I ever "did, as with the biggest." This was particularly observable in all the games we used to play. The objects of his creative power were living things to him. He said on one occasion to Charles Collins: "If you want your public "to believe in what you are writing, you must believe in "it yourself. I can as distinctly see with my own eyes any "scene which I am describing as I see you now; and in- "deed, on one occasion when I had shadowed a certain "course for one of my characters to pursue, the character "took possession of me and made me do exactly the con- "trary to what I had originally intended."

"I shall not mind" he said to me once "if you do not "succeed in what you are doing, so long as I feel sure "that you have done your best."

He was, of course, a man of moods, highly strung and very emotional; full of confidence at one time, depressed at another; but though mercurial to this extent, he was of

a thoroughly happy disposition and fully enjoyed his life; singularly modest and yet loving the popularity he had won. He made no parade of religion, but he was at heart possessed of deep religious convictions, as the terms of his will, as his letters to us on starting in life, go to show, as well as the "History of Our Lord's Life," for his children, which has not yet been published* as he expressed his desire that it should not be, as it was not intended as a literary effort. What he did hate and despise was the cant of religion, of the Pecksniffs, Chadbands and Stigginses in life, and these he attacked with all the weight of his genius.

He was bitterly reproached, at one time, by a lady of the Jewish persuasion for making Fagin a Jew, as bringing dislike upon the religion of the race she belonged to. An utterly unfounded suggestion, which probably, as is suggested by Forster, occasioned his introducing into *Our Mutual Friend* the character of the Jew Riah.

At one time I remember, we had an extremely dull curate at Higham Church (I am not, of course, alluding to dear old Mr. Hidle, the rector) who irritated my father so much by the character of his sermons, that he gave up his attendance at the services. "I cannot" he said "sit under a clergyman who addresses his congregation as though he had taken a return ticket to heaven and back."

While I am on this subject I think I ought to mention a document which I have found among my papers. It is a copy of a simple prayer written by him for his own children when they were very young. The copy is in the handwriting of my aunt, Georgina Hogarth:

"Pray God who has made everything and is so kind

* Published after these Recollections were written.

"and merciful to everything he has made: pray God to
 "bless my dear Papa and Mama, brothers and sisters,
 "and all my relations and friends: make me a good little
 "child and let me never be naughty and tell a lie, which
 "is a mean and shameful thing. Make me kind to my
 "nurses and servants and to all beggars and poor people
 "and let me never be cruel to any dumb creature, for if
 "I am cruel to anything, even to a poor little fly, you,
 "who are so good, will never love me: and pray God to
 "bless and preserve us all this night and for ever, for the
 "sake of Jesus Christ, our Lord. Amen."

He taught me shorthand in his spare moments. During the time he was in the gallery of the House of Commons he used Gurney's system; but at the time he taught me he had so radically altered it, from time to time, as to make it practically a system of his own. At the present time, I suppose, there is only one system in general use and that is Pitman's. These lessons were great fun, though I found it was by no means an easy science to learn. Like Copperfield, "I plunged into a sea of perplexity that brought me, in a few weeks, to the confines of distraction." Some weeks elapsed before I could thoroughly master the mysteries of "arbitrary characters," the science of "dots" or grasp the art of "phonetical" writing, at the end of which time I flattered myself that I was quite efficient enough to take down anything that might be recited to me. But it was then that my real troubles began which, I suppose, is a fact that all students must have at one time painfully realised. To take down a speech quickly and correctly you must have all your faculties in perfect order, and that is where I experienced a special difficulty in my own case. This arose from the kind of

speeches which my father delivered for me to practise on, speeches which shortly reduced my mind to a state of wild confusion. They were of the character you would expect from a street tub orator or from a speaker on the hustings or a parody of orations in the House of Commons. These soon reduced me almost to a state of collapse in consequence of the laughter which followed on them; and when I say laughter, I mean laughter on the part of both of us. For he himself, tickled by the ridiculous nature of his own fancies, gave way to fits of laughter only equalled by wild bursts on my part. This part of my training was most amusing, but was not productive of much progress, because, difficult as it is to take down anything at all, it becomes an impossibility when one's command over one's thoughts has completely disappeared.

I attained, at last, to a certain kind of efficiency; but I found, when I was at the Bar, that for various reasons, my knowledge was of little value and I used it very seldom.

CHAPTER VIII

Christmas at Gad's Hill: Memory Game: Athletic Sports.

HE was very fond of playing some round game of an evening, especially at Christmas time. On these occasions the house was full to overflowing and rooms had to be taken in the outlying cottages for the accommodation of some of the guests. It was a great time, a really jovial time, and my father was always at his best, a splendid host, bright and jolly as a boy and throwing his heart and soul into everything that was going on. On one occasion, I remember, we had a country dance and Mr. Chorley was introduced as a broken-down itinerant musician who was supposed to have been taken in as a tramp from the high-road. Chorley went through his part magnificently and my father played up to him in a manner which kept us all in a roar. And then the dance—down the middle and up again! There was no stopping him! His energy, his light-heartedness, his buoyancy, were simply immense.

One particular game which was very popular with us was what is called the Memory Game; and thereby hangs a tale. It was rather a trying game and one which sadly taxed our memories. It was quite a simple one in itself but required what I should designate a rare "staying power." The players sitting in a circle, one of them starts by giving some name or object (not necessarily confined to one word) such as Beefsteak, the next person has to repeat Beefsteak and add something such as Caligula, and

so on, each person having to repeat all the names in the order in which they were given. The difficulty arises when some of the players fail and die out. I am not giving this description merely to show the kind of game which we used to play; my reason is a very different one altogether, as will presently appear.

It was on Christmas night, the Christmas before his death. My father had been ailing and had been troubled with his leg, which had been giving him considerable pain, and he was lying on a sofa when we started this Memory Game. The game had been proceeding for some time and the volume of words had grown to a fairly staggering length when it came once more to my father's turn: and this is where the interest of my story comes in. After successfully repeating the string of words the time came for him to add his own contribution. There was a pause for a while, and then, with a strange twinkle in his eye and a curious modulation in his voice, he gave it as "*Warren's Blacking, 30 Strand.*" The way in which he said this at once attracted my attention; why, I could hardly tell. At the time, it must be noted, I was quite ignorant of the sad experiences of his childhood, when he was employed to tie up blacking bottles for a mere pittance. It was only when Forster's *Life* appeared, with that terrible fragment of autobiography, that I understood; and then the memory of that scene at Christmas flashed across my mind. I must remind my readers of the tenor of this bit of autobiography, because it deals with that tragic degradation of his childhood.

"It was arranged I was to go into a blacking warehouse, "to be as useful as I could at a salary of six shillings a "week. Two or three other boys were kept at similar

"duties on similar wages. It is wonderful to me how I
 "could have been so easily cast away at such an age. It
 "is wonderful to me that, even after my descent into the
 "poor little drudge I had been, since we came to London,
 "no one had compassion on me—a child of singular
 "abilities, quick, eager, delicate and soon hurt, bodily or
 "mentally. No words can express the secret agony of my
 "soul as I sank into this companionship; compared these
 "early-day associates with those of my happier childhood;
 "and felt my early hopes of growing up to be a learned
 "and distinguished man, crushed in my breast. The deep
 "remembrance of the sense I had of being utterly
 "neglected and hopeless; of the shame I felt in my
 "position; of the misery it was to my young heart to
 "believe that, day by day, what I had learned and thought,
 "and delighted in, and raised my fancy and my emulation
 "up by was passing away from me, never to be brought
 "back any more, cannot be written."

That blacking establishment was known as "Warren's
 Blacking, 30 Strand."

What a contrast that Christmas night, the last he was
 ever destined to see, between that which was reality and
 that which was passing through his mind. On the one
 hand, a great name, admired and respected throughout the
 world; while, on the other, his mind had reverted to
 the tragic tale of his childhood, when all hope of
 living up to be a great man had died in his breast. The
 revelation came upon me as a great shock, but it increased
 my love and reverence for his memory far more than
 I can well express.

There was one great day at Gad's Hill at Christmas time
 in the year 1866, when Mr. Layard (as he then was) formed

part of the Christmas party, and it was during his visit that "Sports" took place in the large field at the back of the house. I was then nearly 18 and remember the occasion most distinctly. It was a real fête day, people coming from Rochester, Chatham and the outlying villages. There was an immense crowd, which at the time was computed at over 2,000 people. There was a drinking booth on the ground, but not one case of drunkenness. There were the usual foot races of all kinds among the villages and my father threw himself into the thing with his usual vigour. "The more you want of the Master the more you'll find in him," as the gas-man employed about his readings said of him; and that was true enough on this occasion.

Let me set down in his own language the history of that day. In a letter to Forster he writes:

We had made a very pretty course and taken great pains. Encouraged by the cricket matches experience, I allowed the landlord of the "Falstaff" to have a drinking booth on the ground. Not to seem to dictate or distrust I gave all the prizes (about ten pounds in the aggregate) in money. The great mass of the crowd were labouring men of all kinds, soldiers, sailors and navvies. There was not a dispute and there was no drunkenness whatever. I made them a little speech from the lawn, at the end of the games, saying that, please God, we would do it again next year. They cheered most lustily and dispersed. The road between this and Chatham was like a Fair all day; and surely it is a fine thing to get such perfect behaviour out of a reckless seaport town. Among other oddities we had a hurdle race for strangers. One man (he came in

second) ran 120 yards and leaped over ten hurdles in twenty seconds, with a pipe in his mouth and smoking it all the time. "If it hadn't been for your pipe," I said to him at the winning post, "you would have been first." "I beg your pardon, sir," he answered, "but if it hadn't been for my pipe, I should have been nowhere."

I was a steward on that occasion and I do not think I ever saw my father in higher spirits or to greater advantage.

CHAPTER IX

"All the Year Round."

IT must be remembered that all this time, when his creative mind was at work and occupied with matters quite outside the ordinary things in this mundane existence, he had to attend to many matters in connection with his weekly periodical *All the Year Round*. This journal was started on March 30th, 1850, under the title of *Household Words*, and it is well worthy of note that the first number contained a story by that most delightful and gifted authoress Mrs. Gaskell, for whose work my father had a very great admiration. In that I entirely agree with my father. It has always seemed to me that she was, for some time, overshadowed by the greater light of George Eliot, just as Schubert was overshadowed for a time by the splendid name of Beethoven. Happily, it was not long before both of these artists came into their own. Talking of George Eliot, it has been suggested to me of late, in more quarters than one, that she is becoming a "back number." I should indeed be sorry to think that is so. It is well, in this place, to recall what my father said of her in a letter to Forster in 1842. He had been reading in *Blackwood's Magazine* her tales which were afterwards collected under the title *Scenes of Clerical Life*. "Do read them," he wrote; "they are the best things I have seen since I began my course——" I have myself been re-reading *Adam Bede* again quite recently, and I adhere

to my original view that it is a great book. If she, George Eliot, dies, then *Silas Marner* and the *Scenes of Clerical Life* die with her. I cannot believe that that is possible.

All the Year Round, the name given to it in 1859, was remarkable, even if it were not noted for anything else, for the high position and standing of those who contributed to it, and who were known at the time as Dickens's young men: George Augustus Sala, a host in himself, Charles Lever, John Hollingshead, Walter Thornbury (whose *Old Stories Retold* proved such an attractive feature), Edmund Yates (the original proprietor and editor of *The World*), Percy Fitzgerald (a very staunch admirer of my father), John Parkinson, of whom it was said as a joke on the little tendency he had of dyeing his beard, "that he was not so black as he was painted," who was a personal friend of mine and for whom I felt a high regard, Charlie Collins, Charles Reade, and many others whose names I cannot for the moment recall. Mr. W. H. Wills was the sub-editor, a highly intelligent man and a very loyal and devoted friend to his chief; but though he took the heavy burden of the editorship upon his shoulders, my father never ceased to keep the reins in his own hands up to the very last.

It was, without exaggeration, a periodical which was full of interesting and useful matter, and one which filled a real literary want at the time; and I always regarded it as a matter for regret that it was found to have served its purpose and ceased to exist some few years after my father's death.



Samuel J. Taylor.



John Forster

CHAPTER X

John Forster: Carlyle: Thackeray: Their Estrangement.

I HAVE, in what I have already written, referred from time to time to John Forster, and it is but right that I should do so, as he was one of my father's dearest friends, and one whom he consulted on every important matter of his life. Indeed, my reminiscences, without any allusion to him, would be quite incomplete. That he was a bit dogmatic and domineering in his manner I must admit. It will be remembered that it was the cabman who called him "that harbitrary gent"; but he was really a very kind-hearted man, and whatever faults he had were always held in check by a very small wife—so far as her stature was concerned—but with a singularly sensible mind. Hardly a Christmas passed without their coming down to Gad's Hill laden with toys for the children and presents for other members of the family. He was always most kind and considerate to me and I held him in the highest regard. He was a man of great literary attainments and his books on the Commonwealth period attained a high reputation, while he possessed a private library which must have been one of the most valuable in the country. His *Life* of my father has, I know, been severely criticised in some quarters as containing too much of Forster and too little of Dickens. In fact, it has been jokingly alluded to by a well-known judge of considerable literary attainments as "Dickens's Life of Forster." I have always

thought this criticism altogether undeserved. Forster must inevitably, by reason of his close connection with Dickens, have taken a prominent place in the picture. This is proven by my father's dedication of the best edition of his works. Dedication of the best edition is, of right, inscribed: "To my dear friend John Forster, biographer of Oliver Goldsmith. In affectionate acknowledgment of his counsel, sympathy and faithful friendship during my whole literary life." In spite of this form of criticism, therefore, I continue to be of opinion that his *Life* is a work of rare merit and discernment.

Yet great as was my father's affection for Forster, I doubt whether it is quite accurate to speak of him as my father's greatest friend. There were two others who ran him very close. The first of these was Tom Beard, who was a life-long friend from the time they were in the gallery of the House of Commons together; the other was Thomas Carlyle, between whom and himself there existed a mutual bond of deep affection and genuine admiration. There was something inherent in their nature which seemed to draw these two together. Of Carlyle's work he would speak in the highest terms, while Carlyle's admiration for him could hardly be measured in words.

When my father was lying dead Carlyle thus opened his heart to Forster:

"It is almost thirty years since my acquaintance with him began; and, on my side, I may say every new meeting ripened it into more and more clear discernment of his rare and great worth as a brother man; a most cordial, sincere, clear-sighted, quietly decisive, just and loving man; till at length he had grown to such a recognition

"with me as I have rarely had for many men of my time. "And again: his death is for us all an event world wide—a *unique* of talents suddenly extinct and has eclipsed, we too may say, the harmless gaiety of nations. "No death has fallen on me with such a stroke. No literary man's hitherto ever did. The good, the gentle, high-gifted, ever-friendly, noble Dickens—every inch of him "an Honest Man."

No more splendid tribute could be passed, and it becomes more significant as coming from a man so hard to please as was Thomas Carlyle.

It was my privilege to pay him two or three visits at his house in Cheyne Row after my father's death. I went there for the first time with feelings of awe and some trepidation. This was but natural in the case of a very young man paying a visit to an old man of Carlyle's rare gifts and immense reputation, and one who could be very dour at times. But I found that such feeling was quite uncalled for and he at once put me entirely at my ease. He was gifted with a high sense of humour, and when he laughed he did so heartily, throwing his head back and letting himself go. He spoke in a strong sense of fun when he described himself to me as having been a gawky youth with a shock of red hair, and explained how he used to be bullied by other boys.

On one of my visits I remember a Sultan of Turkey—I think it was Abdul Aziz, but I am not sure—who had, as it was then thought, committed suicide with a pair of scissors, though it was subsequently discovered that he had been murdered. Carlyle, in discussing this case, passed this very sweeping judgment upon it: "Ah, poor man! He just took the scissors and he passed into darkness for

evermore." I am quite unable to reproduce his Scotch accent. There was another occasion that I met Carlyle. This was at the house of John Forster, soon after I had taken my degree. We had been talking about my future and when Carlyle left he said to me while shaking me by the hand: "Well: all I wish you is, *just to do an honest man's work!*"

Mrs. Carlyle was a great friend of my sister Kitty; and, indeed, they were driving together in a carriage when they ran over a dog, which was such a shock to Mrs. Carlyle as to hasten her death from heart trouble.

I remember that on one occasion my father, when talking about literature generally, told us there were two scenes in literature which he regarded as being the most dramatic descriptions which he could recall. One was in fiction, the other in history. The first was the description of the Woman in White's appearance on the Hampstead Road after her escape from the asylum in Wilkie Collins's famous book *The Woman in White*. The other was the stirring account of the march of the women to Versailles in Carlyle's *French Revolution*.

It happened years afterwards, when I was a K.C., that I was asked by Carlyle's legal representatives to advise them as to the place of his legal domicile, and whether he had lost his Scottish domicile by reason of his residence in London. Upon a careful review of all of the facts I was able, fortunately, to come to the conclusion that he had never given up his *animus revertendi*, as it is termed in legal phraseology, and that his Scottish domicile continued until the day of his death. I use the word "fortunately" in this connection because I am convinced that, if I had advised otherwise, there would have been such an outcry



William Makepeace Thackeray

amongst his Scotch folk that I should never have heard the last of it.

Having said so much of his friendships, my mind naturally reverts to his unhappy quarrel with Thackeray in the year 1858. It was, indeed, pitiable that two such men should have become so quickly estranged. They had been on terms of the closest intimacy; each of them had a keen admiration for the work of the other; and but a few months before the split, my father had paid a warm public tribute to Thackeray; and yet only a few months had elapsed when this trouble began, and for really no solid reason at all. The story was almost childish in its simplicity and it is hardly credible that from such a totally inadequate state of things such consequences should result. Thackeray, it appears, had complained to the Committee of the Garrick Club of having been grievously libelled by one of its members, Edmund Yates; for which complaint he had apparently ample justification. The Committee took up the matter and, after some consideration, had adopted the drastic course of expelling Yates from the club. In this view, however, my father could not altogether agree. He thought, in the first place, that Thackeray's remedy was really to be found in the Law Courts, and that, in any case, the sentence was heavier than the offence called for. This opinion had been strongly resented by Thackeray, while my father, on his part, was also somewhat hurt by the manner in which Thackeray had acted. Hence the estrangement which lasted nearly five years. It came to an end at last and it must have been a happy day for both of them when, meeting as they did, by chance, on the steps of the Athenæum Club, Thackeray held out his hand. Thackeray's death un-

happily followed close upon this. He died on Christmas Eve, 1863, to the great grief of my father, and it was in the February number of the *Cornhill Magazine*, 1864, that he wrote a tribute to his memory; a tribute which showed in moving terms his appreciation of his genius and his own personal grief at the loss of his great confrère in literature, who had been his close friend for so many years.

It was in consequence of this estrangement that I saw nothing of Thackeray. It was my good fortune, however, in later years, to know his gifted daughter, Annie Ritchie, intimately, for she was the dear and devoted friend of my sister Kitty. There was a singular charm in her quiet ways, and her highly intellectual manner of talking. I do not know whether her works are much read at the present time, but this I do know, that her delightful stories, the *Village on the Cliff* and the *Story of Elizabeth*, go far to show that she inherited much of her father's genius. Her sister married Leslie Stephen, and I remember well the days of their engagement, when the two sisters lived together in a cottage at Wimbledon.

CHAPTER XI

My Father's Public Readings: His Last Public Appearance: At the Midland Institute: The Apostle of the Poor: The Feeling of the Working Class: A Struggle with a Bat: Spiritualism: Dreams and Coincidences.

To pass to a different subject altogether. My father had begun his paid public readings in 1858-59, and repeated them from time to time until the series in America in 1867 to 1868. They were extraordinarily successful, and I think he greatly enjoyed his public appearances, for he loved the "footlights." They were, however, a very heavy strain upon him, and when the tour in America was first mooted, strong pressure was put upon him by the family not to undertake it. But he was not to be persuaded. He said that he could not refuse such a golden opportunity, and insisted upon going.

The scenes which followed upon these readings were most astonishing. He always used to say that of all his fine audiences Edinburgh was the finest, though Dublin ran it close. "Whaat sart of a house, sur?" the Boots at the hotel asked him upon his return, after the reading in Dublin. "Capital!" he said. "The Lard be praised fur the 'onor of Dooblin"; while of the reading at Belfast he writes to Miss Hogarth: *I wish you and the dear girls could have seen the people look at me in the street: or heard them ask me as I hurried to the hotel after reading last night, to "do me the honour to shake hands Mither*

Dickens and God bless you, sur, not only for the light you've been to me this night, but for the light you've been in mee house, sur (and God love your face), this many a year."

I was present at wellnigh all the readings in London, and my experience there was that, quick or intelligent as the audiences in Edinburgh may have been, they could hardly have been more appreciative than the London audiences proved themselves to be. At these readings special arrangements had to be made for my accommodation. I had, unfortunately, put out my knee at football (an injury which bothered me for several years) and I had to have a long chair placed on the platform behind a screen. Much as I enjoyed the enthusiasm of the audiences, however, it was with feelings of grave apprehension that I noticed his extreme exhaustion when the performance was over. The series in America, I am convinced, were a very heavy strain on him and did much towards hastening his ultimate breakdown; for not only was he suffering all the time from a heavy catarrh, but the constant travelling long distances was steadily wearing him out. Upon his return he started a new series in the provinces; but this series came to an unexpected termination. In consequence of very alarming symptoms which developed themselves, the series was summarily put an end to by the peremptory order of his doctor. The climax was eventually reached when he took his final farewell of his audience on March 16th, 1870. This was a most interesting scene for all those who were present on that memorable and painful occasion. The hall was packed with a highly representative audience and the recital consisted of the "Christmas Carol" and "The trial from Pick-

wick," but it was when he had finished *Pickwick* and spoke in his own person that the tension came. In a voice of deep emotion, for he felt this parting very keenly, he said: "In but two short weeks from this time I hope that you "may enter, in your own homes, on a new series of readings, at which my attendance will be indispensable" (alluding to the forthcoming publication of *Edwin Drood*): "but from these garish lights I vanish now for "evermore with a heartfelt, grateful, respectful, affectionate farewell."

There are not many people living, I suppose, who were present on that occasion. Such as there are will remember the scene that followed. I shall never forget it, for it quite overcame me. As for my father, he was a very proud man that night; but a very, very sad one.

Not many months before this I had been present at another great public gathering in which he played the leading part. He had been nominated as the President of that great and beneficent body called the Birmingham Midland Institute; and early in January, 1870—I am not sure of the exact date—I accompanied him to Birmingham, where he was to take the chair to inaugurate the position to which he had been nominated. There was an enormous gathering—hundreds of working men still in their working-day clothes after their hours of work were over. He made a speech, which was much talked of at the time and which will be found reported in his published speeches. In the course of his address he told them "that they should value self-improvement, not because "it led to fortune but because it was good and right in "itself"; counselled them in regard to it, "that genius was "not worth half so much as attention or the art of taking

"an immense deal of pains, which he declared to be, in every study and pursuit, the one sole, safe, certain, remunerative quality." At this time John Bright was at his zenith, the hero of the working man, and when my father, dropping into poetry, went on to say:

"I would be bright and shine in gold,"

the people rose in a body and cheered until they were hoarse.

Next day we visited some of the big factories in the town and as we passed through the throngs of working men, I was constantly stopped by men reeking with sweat and grimy with dirt to ask me "Is that Charles Dickens?" "Is that Charles Dickens?"

There was at one time, as is well known, a suggestion as to my father's being given a life peerage, which, by the way, he would never have accepted had it been offered, which, as a fact, it never was. *The Times*, in a leading article, put the matter in its true light when it said: "Mr. Dickens is pre-eminently a writer of the people and for the people. To our thinking he is far better suited for the part of the 'Great Commoner' of English fiction than for even a life peerage——"

He was, indeed, pre-eminently a writer for the people. He has been termed the "Apostle of the Poor," and upon his death this position of his in relation to the people was well exemplified by a little episode which occurred at the time, which I have also referred to in my *Memories*. My dear friend Ashton Dilke told me that, on the day the death was announced, he happened to go into a tobacconist's shop and whilst he was there a workman with his bag of tools on his shoulder came in to buy his screw

of tobacco, and as he threw his twopence upon the table he said: "Dickens is dead. We have lost our best friend!"

A similar incident happened to myself. My father was, of course, very well known in the neighbourhood of Wellington Street, in which the office of *All the Year Round* was situate. Some short time after the funeral I happened to go in a hansom to the office dressed in deep mourning. As I was paying the cabman, recognising me probably by my black clothes, he said: "Ah! Mr. "Dickens; your father's death was a great loss to all of "us—and we cabbies were in hopes that he would soon be "doing something to help us."

There is one more story of him which I have omitted to tell. There never was a man, I suppose, who was so quick to see the ludicrous or ridiculous side of a situation as he was; and no one can doubt that the "ludicrous" formed a strong element in the little story I am about to relate.

The hall at Gad's Hill extended right from the front of the house to the back and presented a feature which was very striking in itself. In one part of the wall to its full extent, behind a large glass frame, was the drop scene of the *Lighthouse* play, which had been specially painted by Sir Edwin Landseer. On another part of the wall there were other framed pictures which Landseer had also painted for the *Frozen Deep*. On occasions, in the hot weather, we used very often to sit in the hall rather than in the drawing-room.

On one such summer night, when the heat was intense, the company—and there were several of us that evening—were seated in the hall after dinner with both doors, in front and at the back, thrown wide open; when

suddenly, a bat flew into the hall and, as is the wont of bats, flew wildly high and low, backwards and forwards, causing panic amongst all assembled. There was a rush for protection in the rooms leading out of the hall. The bat at last, in despair, took refuge in a recess in the ceiling which could not be reached from the floor; and there it remained—nothing would induce it to budge. Something had to be done—somebody must have the courage to do what was necessary to dislodge it. It was then that my father came to the rescue. He called for the library ladder and a stick, and advanced to the attack. Suddenly it struck him that his head was uncovered and he had misgivings lest the bat might get mixed up with his hair. No adequate protection being at hand he called for a *hip-bath*—of all unlikely things! With this protection on his head, like a new kind of helmet, he put his foot upon the ladder and began to climb; but the bath, being but an unstable headpiece, began to wobble; as he mounted it wobbled still more and more, until the contest reduced itself into one not of between him and the bat, but between the bath and himself. It was at this critical time that the ridiculous side of the situation suddenly struck him and he at once became convulsed with laughter, until at last the bath fell down with a crash and my father fell back on the floor quite overcome, and the attack was at an end; but luckily the bat, startled no doubt by the unusual noise below him, solved the difficulty by retreating from its hiding-place and flying out into the night.

It was suggested, many years ago now, that my father was a spiritualist. Indeed, a woman medium in America went so far as to publish a so-called continuation of *Edwin*

Drood, which was said to have been dictated to her by my father's spirit. I never myself saw this preposterous book, but I was told that it was a sad proof of how rapidly the faculties (I really do not quite know what word to use) deteriorate after death!

It is just as well, I think, that this matter should be put on its proper basis. It is quite true that he was thrilled by a good ghost story, that he was often puzzled by coincidences arising out of dreams, and that he was strongly interested in things supernatural, as we all are; but that he ever became a spiritualist, as we understand the term, is entirely opposed to the facts. His own letter to Mrs. Trollope of June 19th, 1855, shows pretty clearly the views he entertained on this matter:

I have not, he writes, the least belief in the awful unseen being available for evening parties at so much per night, and although I shall be ready to receive enlightenment from any source, I must say I have very little hope of it from the spirits who express themselves through mediums; as I have never yet observed them to talk anything but nonsense of which (as Carlyle would say) there is probably enough in these days of ours, and in all days, among mere mortality.

The first Lord Lytton was a profound believer in occultism, as his book, *A Strange Story*, would go to show. In order to open his eyes a little, my father arranged a séance with the popular medium of the day, without disclosing the names of any of the persons who were to attend. He took with him besides Lord Lytton, Wilkie and Charles Collins and the famous conjuror, Houdin. This meeting, so far as the medium was concerned, was

disastrous. Everything that the medium did was promptly "outdone" by Houdin, who really outspirited the spiritualist in all that gentleman's tricks. But, curiously enough, this did not cure Lord Lytton of his belief and I do not think his faith in it was ever shaken. Another great believer was the wife of a well-known politician, who worshipped at the feet of a medium very notorious at the time. My father rented their house at Hyde Park Place for a short time in 1870, and in the drawing-room (quite a lofty room) we noticed a large stain in the ceiling which my father remarked was obviously the mark of the medium's greasy head as he floated up to the ceiling on one of his manifestations!

Whilst on the subject of dreams and whether warnings of future events can be, and are, conveyed through their medium, of which one has read so many startling cases, I must tell a story which I have heard my father tell on more than one occasion. It was a story of President Lincoln which was told him when he was last in America by Sherman, who had been the President's Secretary of State. The story was simply this: The members of his Cabinet were waiting on one occasion for the President to take his seat at the table in the ordinary course, but upon his coming into the room they were struck by the strangeness of his manner. He was silent, distraught, and looked as though something was weighing on his mind. He was so unlike himself, in fact, that Sherman asked whether anything was wrong. The answer was this: "I had a dream last night. I dreamt that I was in a small open boat, without an oar, on a wide sea, and I drift, and I drift, and I drift!" That was all. That very night Lincoln was shot.

Was this a mere coincidence or was the dream a pre-

MY FATHER AS I KNEW HIM

monitory warning of what was to befall him? My father undoubtedly told the story as bearing on this question. Which was it? I wonder! I have never heard this story from any other source, so that it is probably new to the general public; but these are the facts which I heard my father tell Longfellow when he came to Gad's Hill.

CHAPTER XII

America and Dickens: Advantages of His Name: A Lunatic's View.

IN mentioning Longfellow my mind naturally reverts to America and recalls the ties which exist between my father and that great country. In talking about my father I feel that I shall be addressing myself, not only to my own countrymen, but to the American people as well. That country is not only associated with his name through the medium of *Martin Chuzzlewit* and the *American Notes* but, in these days and for many years past, he has enjoyed as great a popularity there as that which he has won for himself in England and its Dominions. The Americans bear him no grudge for his somewhat scathing satire in both these books, because they fully recognise that there was much truth in what he wrote; but whatever feeling there may have been on the subject disappeared completely upon the occasion of his second visit in 1867-1868. Upon that occasion a great dinner was given in New York in his honour, at which Mr. Horace Greeley, a very well-known journalist, presided. My father took the occasion to express his surprise and admiration at the wonderful progress that had been made in the country during the twenty-five years that had elapsed since his last visit, and promised "that no copy of his *Notes* or his *Chuzzlewit* "should in future be issued by him without accompanying "mention of the changes to which he had referred that

"night; of the politeness, delicacy, sweet temper, hospitality and consideration in all ways for which he had to thank them; and of his gratitude for the respect shown, during all his visit, to the privacy enforced upon him by the nature of his work and the condition of his health."

His reception in America on this second occasion was quite remarkable. My father was full of it on his return home and it would appear from what he told us as though it almost came as a revelation to himself.

The visit was a triumphant success not only financially but also from an artistic point of view; and, in spite of the pain and distress caused to him by ill-health which went far to undermine his strength during the whole of the time, he appreciated to the fullest extent the manifestations of admiration and affection which were showered upon him by people of all classes, whether rich or poor.

Grateful as I myself was for the kindness of this reception, proud as I was for the wellnigh unique position which he held in the two hemispheres, I could not but entertain a great dread of what might follow upon this terrible tax on his physical strength; a dread which I believe was well-founded, for, as I have just said, I have always been strongly of opinion that it shortened his life. Since his death I have had the pleasure of making many friends in America; and, as I have hinted elsewhere, am in continual receipt of letters from that great country, on the subject of my father, the writers being complete strangers to myself. Such letters are always welcomed by me, for they are clear evidence that his memory is indeed kept green on the other side of the water.

I paid a visit to America in 1901, accompanied by two of my daughters, Olive and Elaine. Our visit was purely

a holiday one, for I was much overworked, and as I desired to have as much rest as I could get I took care to keep my visit as secret as possible. But there is no keeping anything secret from a vigilant Press, and somehow or other they got to know of my presence, as soon as, if not before, I set foot in that country. But I was not at all inconvenienced by this knowledge on their part, and our little holiday was not only a very interesting one but quite a restful one in addition thereto. We went to America by way of Canada, reaching Quebec on or about the 20th August. Our journey was very different to that of the most unpleasant voyage in 1842, which my father has so graphically described. We sailed in the *Tunisia*, with all the luxury which modern liners afford. It was during that voyage that I saw one of the most beautiful and impressive scenes that it has ever been my good fortune to witness. It was when we were approaching the Belle Isle Straits. In the evening, upon our retiring to rest, a thick fog had enveloped us, and all through the night the fog-horn was sounded twice in the minute to show that we were in motion, but simply drifting. At the same time the temperature fell down to freezing point, and I thought as I lay awake at night that I distinctly heard the loose ice drifting against the side of the ship. At about six in the morning the foghorn ceased, and, wrapping myself in my ulster, I went on deck; and there, close to us, I found the icebergs. In fact, the ship was right among them. It really was a magnificent sight. There were any number of them, small and large. There was one of them, which I was told was some 300 feet out of the water, within half a mile of us. This, I understand, would represent a berg of 2700 feet. The number of bergs, I

gathered, was unusually large by reason of the great heat in the Arctic, which let free many of these mountains of ice. The contrast when we landed at Quebec was really very trying, because we found the heat ashore was quite oppressive, and, whereas we had been frozen on board, we were simply roasted on shore.

I do not propose to enter upon this journey at any length. I shall only note a few incidents connected with it. We went through Canada after viewing the interesting country in the neighbourhood of Quebec, stopping at Ottawa and Toronto and thence to Niagara and so to Buffalo. That city was a city of mourning. The President McKinley had only just been assassinated. The houses were all shrouded in black. A scene of dreadful melancholy. It was there that I had my first experience of the American Press. I had gone to bed when, at about 11, my telephone bell rang. "Who's there?" "*Buffalo Courier*." "What do you want?" "An interview." "You can't have one; I'm in bed." "I must have something from you for to-morrow's paper." Reflecting then that, if I did not tell him something he might invent a lot, I told him in answer to his questions, that I was a son of the novelist, that I was on a trip with two of my daughters, that I had seven children, and that my daughters and I were enjoying our visit very much. I declined to prolong the interview and went to sleep. Next morning at breakfast I saw the *Buffalo Courier*. The first thing I saw in it was a paragraph headed in the largest and blackest of headlines:

DICKENS IS PLEASED!

It then went on to say that I was travelling with my *seven*

daughters! From which I gathered that it was intended to convey the fact that my pleasure was derived from my having to pay hotel bills for my entire family! From there we went to Philadelphia, and so on to Sagamore Hotel on Lake George, where we spent a delightful ten days with some dear American friends in the most comfortable of American hotels.

As an instance of the cordiality of our reception I may mention that there was an American gentleman living on the Lake who was a great fisherman and who had a very swift boat. Whether run by motor or steam I cannot quite recall; but I know he said it was quicker than our speediest destroyer. This he used in order to make rapid descents upon those parts of the Lake where the black bass happened to be lying. When he heard I was there he put this boat at my entire disposal and we had some delightful days in her to different parts of the Lake.

So far as Niagara was concerned, I may say, in passing, that I was not in the least bit disappointed. On the contrary, I thought it almost, if not quite the most wonderful thing in nature that I had ever seen.

We left Buffalo for Philadelphia in the Black Diamond Express, and I think that I never remember being so badly shaken up as I was on that occasion. One of our principal objects in our tour was to pay a visit to the Adirondack Mountains and the beautiful series of lakes in that district, commencing at Lake Saranac, and we looked forward to passing the evenings round the log-fires, which was one of the great attractions of such a trip. The weather broke up so badly, however, that we had to give up the idea. Our first day of the trip up to Lake Saranac from Elizabeth Town was a long and uphill one, and as

we had to make an early start we had breakfast betimes—somewhere about 8 o'clock, I think; certainly not earlier than that. In the course of the meal I asked the coloured waiter for some toast. The answer was: "The lady that makes the toast is not up yet"; so I got no toast. I suppose that was all in order: each man to his job. With regard to our stay at New York we were only there for three days—far too short a time to enable me to say much about it. I do not, therefore, propose to follow the example of some globe-trotters who assume a knowledge if they have it not. I will confine my remarks to the conclusion that I formed of it: very crowded, extremely dusty, and overwhelmingly noisy. From there we made our way to Boston, and charmed we were by that delightful city, its surroundings and its people. Here again I met with a signal mark of civility and kindness. I had hardly been in the town an hour before the chairman of the tramways called upon me and told me that his own private car on the tramways was at my disposal whenever I wanted it. I had only to give notice at the headquarters and it would be at my hotel at any time I named; but he warned me that I must be prepared to enter it at once, otherwise the whole traffic of the town would be entirely arrested. We were asked out to dinner on one occasion by some people living in the outskirts, and it may well be imagined how that evening recalled to my mind Martin Chuzzlewit and his enforced receptions when I say that after dinner we were placed in a corner and a large queue of people passed before us in single file, shaking hands with us one by one as they passed. Martin Chuzzlewit's reception fifty years before could not have been very different from this. But I must add that I have

no complaint to make on this score, for they were evidently really pleased in doing this to show their deep regard for my father's memory.

There is one thing more which I should like to add on the subject of myself in connection with America. In April of 1931 a great pageant was held in New York to recall my father's last visit to America, and I was asked to send them a message on the occasion. My message was as follows, and it was one which emanated from my heart: "I have been asked to send a message to my American "cousins over the sea on the occasion of the great New "York Pageant, which is to recall in a most striking man- "ner my dear father's last visit to America. That message "I gladly send. It is very simple and easy to convey. It "is to express to you all my deep and grateful recognition "of the way in which you have taken my father to your "hearts in the past, and are now celebrating his memory "sixty years and more after his death. I can only hope, "as I believe, that your love and admiration for his "memory will continue to endure as it has endured up "till now, and that this feeling may, as I think it must, "continue to strengthen the bonds which unite our two "countries. At the time of his death I had attained the "age of 21, and he and I were happily on the closest, the "most affectionate and the most intimate terms. I knew "him, I think, as well as anyone did; and recalling my "memory of him vividly as I do, I can only say of him "in all earnestness: 'He was a man, take him for all in "all; I shall not look upon his like again'."

CHAPTER XIII

The Great International Walking Race: A Remorseful Clock.

ON January 16th I came of age, on which occasion my father gave a small dinner-party at Hyde Park Place to celebrate the event. It became apparent about this time that his health was becoming somewhat alarming. He complained very often of a difficulty he had in reading the names on the shop-fronts. He said he could only see half of the names, as he looked at them when walking in the streets. His old trouble in his leg also became more pronounced.

It was at this time that he received an intimation that Queen Victoria wished to have a personal interview with him. A desire so expressed was naturally treated as a command, and my father had the interview with the Queen on March 9th, which everybody knows of. At his interview she presented him with a copy of her book *My Life in the Highlands*, autographed by herself with the modest excuse that it was a present from the humblest of English writers to the greatest. His only public appearance at this time was to attend the Royal Academy dinner. He was then in such a state of health as to make it a heavy burden on him to address a large meeting; but thinking, as he did, that the President of the Royal Academy had not done full justice to the memory of his very dear friend Maclise, R.A., who had died

only three days before, he, when responding for Literature, seized the opportunity to pay a tribute to his old and valued friend in language which electrified the meeting; this I heard from some artists who were present, who told me that it went to their hearts, because it was a speech which met with their warmest approval as a tribute to a very great artist.

There is one more incident in his life, however, which should be recorded. Upon his return from America, it was natural that he should have been only too pleased to entertain some of his American friends whose acquaintance he had made on the occasion of his last visit. So it came to pass that many Americans found their way to Gad's Hill. In particular I would mention Longfellow the poet, with several members of his family; Charles Eliot Norton, that very highly distinguished member of Harvard College, with his daughters, who came to Gad's Hill in about June, 1868. I had only met two poets in my time, and they were about the most unconventional poets you could well imagine: the one was Robert Browning, a thorough man of the world, an excellent raconteur at a dinner-table, and a delightful person to meet; the other was Longfellow, who was of the same type, a joyous and most entertaining personality of a particularly attractive kind. This is not quite accurate though, as I find I have in my possession a copy of Samuel Rogers' poems with an inscription in his own neat and minute writing to the following effect: "Henry Fielding Dickens, from his friend Samuel Rogers. May 15, 1850." A very small friend! I was then just over one year old. He was an intimate friend of my father and must have died, I think, when I was still quite young, for I have no recollection

of him whatever. I have, quite recently, had the pleasure of making the acquaintance of Mr. Alfred Noyes, whom I have to thank for writing a beautiful poem on my father. Tennyson I never remember to have met, though I was, and am, one of his very ardent admirers.

Upon the occasion of this visit of the Longfellows to Gad's Hill my father gave one of his carriage picnics, which were sometimes to Canterbury Cathedral, sometimes to Kit's Coty House, the prehistorical remains near Maidstone. On this particular occasion it was a visit to the Cathedral, carriages with postilions, postilions in red jackets—red, of course, for red was his particular colour, as the members of the Dickens Fellowship well know, and Gad's Hill was always ablaze with red geraniums. Mr. Higgins, a very well-known literary journalist of the time, whose *nom de plume* was Jacob Omnium, was one of the party. He was gigantic in stature, being over seven feet in height. He and I sat on the box seat, side by side; and I have never felt so small in my life. I kept on hearing ribald remarks from the occupants of the carriage on this contrast which I did not at all appreciate. I was a little touchy at this time and was at a rather difficult age. I was just about entering Cambridge University and having been emancipated from school I rather gave myself the airs of being a "bit of a dog"; and I remember, when I heard Longfellow alluding to me as a "student-looking youth" I by no means took it as a compliment, for I felt that he had entirely misunderstood my personality. These picnics were very delightful; we lunched in the open, looking down upon the rich county of Kent, with the Cathedral standing out grandly as a contrast to the meadows of the Garden of England blazing with

colour in the midday sun.

He loved sitting up at night, did Longfellow; and he and my father kept up their long talks, with their big cigars, to an early hour in the morning. They were all charming people, and their visit to Gad's Hill was greatly enjoyed by all of us who were fortunate enough to be present there at the time.

THE GREAT INTERNATIONAL WALKING MATCH
OF FEBRUARY 29TH, 1868.

This race took place during my father's last American visit. I have before me a printed copy of this memorable race with the articles of agreement between the parties, written entirely by my father, a document which will show pretty clearly that he had not lost his sense of humour or his fund of animal spirits, in spite of the catarrh to which he had become an almost chronic victim at the time. It is far too long to set out in its entirety; I reproduce enough of it to show its delightful buoyancy and lightness of touch.

The Articles

Articles of Agreement entered into at Baltimore, in the United States of America, this Third day of February, in the year of our Lord one thousand eight hundred and sixty-eight, between GEORGE DOLBY, British Subject, *alias* the Man of Ross, and JAMES RIPLEY OSGOOD, American Citizen, *alias* the Boston Bantam.

Whereas, some Bounce having arisen between the above men in reference to feats of pedestrianism and agility, they have agreed to settle their differences and prove who is

the better man, by means of a walking-match for two hats a side and the glory of their respective countries; and whereas they agree that the said match shall come off, whatsoever the weather, on the Mill Dam road outside Boston on Saturday, the Twenty-ninth day of this present month; and whereas they agree that the personal attendants on themselves during the whole walk, and also the umpires and starters and declarers of victory in the match shall be JAMES T. FIELDS of Boston, known in sporting circles as Massachusetts Jemmy, and CHARLES DICKENS of Falstaff's Gad's Hill, whose surprising performances (without the least variation) on that truly national instrument, the American Catarrh, have won for him the well-merited title of The Gad's Hill Gasper.

Now, these are to be the articles of the match:

1. The men are to be started, on the day appointed, by Massachusetts Jemmy and The Gasper.

2. Jemmy and The Gasper are, on some previous day, to walk out at the rate of not less than four miles an hour by The Gasper's watch, for one hour and a half. At the expiration of that one hour and a half, they are to carefully note the place at which they halt. On the match's coming off, they are to station themselves in the middle of the road, at that precise point, and the men (keeping clear of them and of each other) are to turn round them, right shoulder inward, and walk back to the starting-point. The man declared by them to pass the starting-point first is to be the victor and the winner of the match.

3. No jostling or fouling allowed.

4. All cautions or orders issued to the men by the

umpires, starters, and declarers of victory, to be considered final and admitting of no appeal.

5. A sporting narrative of the match to be written by The Gasper within one week after its coming off, and the same to be duly printed (at the expense of the subscribers to these articles) on a broadside. The said broadside to be framed and glazed, and one copy of the same to be carefully preserved by each of the subscribers to these articles.

6. The men to show on the evening of the day of walking at six o'clock precisely, at the Parker House, Boston, when and where a dinner will be given them by The Gasper. The Gasper to occupy the chair, faced by Massachusetts Jemmy. The latter promptly and formally to invite, as soon as may be after the date of these presents, the following Guests to honour the said dinner with their presence: that is to say:—Mistress Annie Fields, Mr. Charles Eliot Norton and Mrs. Norton, Professor James Russell Lowell and Mrs. Lowell and Miss Lowell, Doctor Oliver Wendell Holmes and Mrs. Holmes, Mr. Howard Malcolm Ticknor and Mrs. Ticknor, Mr. Aldrich and Mrs. Aldrich, Mr. Schlesinger, and an obscure poet named Longfellow (if discoverable) and Miss Longfellow.

Now, Lastly. In token of their accepting the trusts and offices by these articles conferred upon them, these articles are solemnly and formally signed by Massachusetts Jemmy and by The Gad's Hill Gasper, as well as by the men themselves.

MY FATHER AS I KNEW HIM


Signed by the Man of Ross, otherwise

A handwritten signature in cursive script, reading "George B. Ross". The signature is written in dark ink and is underlined with a single horizontal line.

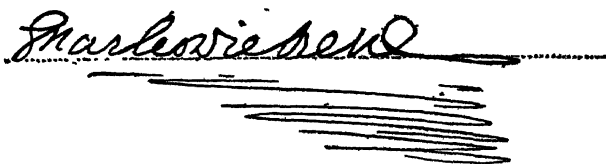
Signed by the Boston Bantam, otherwise

A handwritten signature in cursive script, reading "James R. Osgood". The signature is written in dark ink and is underlined with a single horizontal line.

Signed by Massachusetts Jammy, otherwise

A handwritten signature in cursive script, reading "James T. Fields". The signature is written in dark ink and is underlined with a single horizontal line.

Signed by The Gad's Hill Gasper, otherwise

A handwritten signature in cursive script, reading "Charles W. Benson". The signature is written in dark ink and is underlined with a single horizontal line. Below the signature, there are several horizontal lines of varying lengths, some of which are crossed out with diagonal lines, suggesting a correction or a signature that was later crossed out.

Witness to the signatures

A handwritten signature in cursive script, reading "W. L. Smith". The signature is written in dark ink and is underlined with a single horizontal line.

THE SPORTING NARRATIVE

The Men

The Boston Bantam (alias Bright Chanticleer) is a young bird, though too old to be caught with chaff. He comes of a thorough game breed and has a clear though modest crow. He pulls down the scale at ten stone and a half and add a pound or two. His previous performances in the Pedestrian line have not been numerous. He once achieved a neat little match against time in two left boots at Philadelphia; but this must be considered as a pedestrian eccentricity, and cannot be accepted by the rigid chronicler as high art. The old mower with the scythe and hour-glass has not yet laid his mawley heavily on the Bantam's frontispiece, but he has had a grip at the Bantam's top feathers, and in plucking out a handful was very near making him like the great Napoleon Bonaparte (with the exception of the victualling-department), when the ancient one found himself too much occupied to carry out the idea, and gave it up. The Man of Ross (*alias* old Alick Pope, *alias* Allourpraiseswhyshouldlords, &c.) is a thought and a half too fleshy, and, if he accidentally sat down upon his baby, would do it to the tune of fourteen stone. This popular Codger is of the rubicund and jovial sort, and has long been known as a piscatorial pedestrian on the banks of the Wye. But Izaak Walton had n't Pace—look at his book and you'll find it slow—and when that article comes in question, the fishing-rod may prove to some of his disciples a rod in pickle. Howbeit, the Man of Ross is a Lively Ambler and has a smart stride of his own.



Mr. George Dolby

The Training

If Brandy Cocktails could have brought both men up to the post in tip-top feather, their condition would have left nothing to be desired. But both might have had more daily practice in the poetry of motion. Their breathings were confined to an occasional Baltimore burst under the guidance of the Gasper, and to an amicable toddle between themselves at Washington.

The Course

.Six miles and a half, good measure, from the first tree on the Mill Dam road, lies the little village (with no refreshments in it but five oranges and a bottle of blacking) of Newton Centre. Here, Massachusetts Jemmy and the Gasper had established the turning point. The road comprehended every variety of inconvenience to test the mettle of the men, and nearly the whole of it was covered with snow.

The Start

was effected beautifully. The men, taking their stand in exact line at the starting-post, the first tree aforesaid, received from The Gasper the warning, "Are you ready?" and then the signal, "One, two three, Go!" They got away exactly together, and at a spinning speed, waited on by Massachusetts Jemmy and The Gasper.

The Race

In the teeth of an intensely cold and bitter wind before which the snow flew fast and furious across the road from

right to left, The Bantam slightly led. But The Man responded to the challenge and soon breasted him. For the first three miles each led by a yard or so alternately; but the walking was very even. On four miles being called by The Gasper, the men were side by side; and then ensued one of the best periods of the race, the same splitting pace being held by both, through a heavy snow-wreath and up a dragging hill. At this point it was anybody's game, a dollar on Rossius and two half-dollars on the member of the feathery tribe. When five miles were called, the men were still shoulder to shoulder. At about six miles, the Gasper put on a tremendous spirt to leave the men behind and establish himself as the turning-point at the entrance of the village. He afterwards declared that he received a mental knock-downer, on taking his station and facing about, to find Bright Chanticleer close in upon him, and Rossius steaming up like a Locomotive. The Bantam rounded first; Rossius rounded wide; and from that moment the Bantam steadily shot ahead. Though both were breathed at the turn, the Bantam quickly got his bellows into obedient condition, and blew away like an orderly Blacksmith in full work. The forcing-pumps of Rossius likewise proved themselves tough and true, and warranted first-rate, but he fell off in pace; whereas the Bantam pegged away with his little drum-sticks, as if he saw his wives and a peck of barley waiting for him at the family perch. Continually gaining upon him of Ross, Chanticleer gradually drew ahead within a few yards of half a mile, finally doing the whole distance in two hours and forty-eight minutes. Ross had ceased to compete, three miles short of the winning-post, but bravely walked it out, and came in seven minutes later.

Remarks

The difficulties under which this plucky match was walked can only be appreciated by those who were on the ground. To the excessive rigour of the icy blast, and the depth and state of the snow, must be added the constant scattering of the latter into the air and into the eyes of the men, while heads of hair, beards, eyelashes, and eyebrows, were frozen into icicles. To breathe at all, in such a rarefied and disturbed atmosphere, was not easy; but to breathe up to the required mark was genuine, slogging, ding-dong, hard labour. That both competitors were game to the backbone, doing what they did under such conditions, was evident to all: but, to his gameness, the courageous Bantam added unexpected endurance, and (like the sailor's watch that did three hours to the cathedral clock's one) unexpected powers of going when wound up. The knowing eye could not fail to detect considerable disparity between the lads; Chanticleer being, as Mr. Cratchit said of Tiny Tim, "very light to carry," and Rossius promising fair to attain the rotundity of the Anonymous Cove in the epigram:

"And when he walks the streets the pavious cry,
'God bless you, Sir!' and lay their rammers by."

Here ends this most amusing production of my father's. The printed copy from which I have taken it bears the original signatures of all the four participators in this walk: a very rare and valuable autograph of my father's, and it is one which must be quite new to the general public.

The Man of Ross was George Dolby, my father's manager of his readings in America; Massachusetts Jemmy was the well-known publisher Mr. James T. Fields, and the Boston Bantam was Mr. James Osgood (who I think was in partnership with Mr. Fields). The walk took place in this unseasonable weather because in the original Articles it was definitely fixed for that day, whatever the state of the weather might happen to be; a somewhat risky feat and not likely, I should have thought, to improve my father's catarrh. However, I have no doubt that in the dinner which followed in the evening, they took every necessary precaution against catching colds.

It has often been said, that the fact of being Charles Dickens's son must have been of enormous advantage to me in my professional life. No one recognises that more than I do; but, on the other hand, it had its disadvantages. It led people to expect more of me than of an ordinary young man. The way in which it was of real advantage was this: If a solicitor, being by chance in Court when I was arguing a case, happened to like the line of my argument so much as to ask some one who I was, the name would not be so readily forgotten by him as it would have been had the name been merely Smith or Robinson.

I have no doubt I have often been criticised and found wanting. I can recall two such cases of my own knowledge. Upon the occasion of my going to Broadmoor Lunatic Asylum in circumstances which I shall relate in another part of my book, I was taken over the establishment by Dr. Orange, then the principal of the asylum, and shown some of the patients whose cases were of interest. While we were walking in the grounds we saw a

man restlessly walking up and down a grass plot. Dr. Orange told me he had been engaged in literature and was a well-read man, but quite unstable in his mind. When we approached him the doctor said to him: "Mr. —, knowing your love for literature I should like to introduce you to Mr. Henry Dickens, a son of Charles Dickens."

"What!" he said, "a son of Charles Dickens?"

I answered, "Yes."

"Take off your hat."

I did so.

"Ah," he said, "a very small head. I am sorry to see a son of Charles Dickens with such a small head."

The second case was an occasion when the adverse criticism was caused by my own mistake.

I was arguing a case as Counsel on behalf of a plaintiff and quoted from one of my father's books. I had, no sooner done so than I realised that I had quoted him wrongly. But the defendant, who was sitting in the well of the Court close to me, unfortunately knew his Dickens too well, for I heard him say in language audible to most of the people in Court, "Well; he don't seem to know much law; but he might at least quote his own father correctly."

I have, at the last moment, recalled to mind a copy of a letter in my possession which I had quite forgotten; but which I hasten to add to my manuscript on account of its dry humour. It is a letter written by my father to Sir John Bennett, the jeweller and clock maker, dated September 14th, 1863. I leave it to speak for itself.

My dear Sir,

Since my hall clock was sent to your establishment to be

RECOLLECTIONS OF SIR HENRY DICKENS

cleaned it has gone (as indeed it always has) perfectly well, but has struck the hours with great reluctance, and, after enduring internal agonies of a most distressing nature, it has now ceased striking altogether.

Though a happy release for the clock, this is not convenient to the household. If you can send down a confidential person with whom the clock can confer, I think it may have something on its works that it would be glad to make a clean breast of.

Faithfully yours,

Charles Dickens.

*Higham by Rochester,
Kent.*

This letter was sent to the *Daily News* by Sir John Bennett after my father's death.

CHAPTER XIV

The End: His Funeral in the Abbey: Criticisms: Their Effect on Him: Dean Stanley's Tribute: The Reason for His Popularity: My Own Views.

As time went on my father's condition became much worse, and the end came very suddenly.

On the morning of June 9th I received a letter from him enclosing his usual cheque. This was followed by an urgent telegram that my father was ill and that I was to go to Gad's Hill at once. I took the first train and, upon my arrival at Higham Station and asking what news they had of him, I was told without the slightest word of warning that he was dead.

Upon my arrival at Gad's Hill itself I found him lying on a couch which had been placed close to the conservatory, among the flowers which had given him never-ending delight.

The rest is well known. He had expressed a wish, at one time, to be buried in a lovely little churchyard in the near neighbourhood of Gad's Hill; the Rochester people had expressed a desire that he should be laid to rest in their cathedral; but the matter was settled upon the receipt of a letter from the Dean of Westminster with a request that he should be buried in Westminster Abbey. To this request we gladly assented; but we made it a stipulation that the funeral was to be strictly private and that none of the public were to be admitted to the service.

The funeral was one of the most solemn and impressive occasions at which I have ever been present. Except ourselves and the officiating clergy and the answering choir there was not a soul in that vast and imposing building (except one man who we heard afterwards had somehow found his way in). That was sufficiently impressive in itself, but it became far more so, as we stood in the dim light of the Poets' Corner, in which not a sound was heard but the reverberation of the clergyman's voice intoning, with touching emphasis, the beautiful words of the Burial Service, which seemed to fill the surrounding space.

Let me recall the words he himself had written but a very short time before in that dramatic scene in *Edwin Drood* when Jasper, fresh from the opium den, entered the church with the rest of the choir and hid his face with the rest of them as the intoned words "When the wicked man . . . rose among groins of arches and beams of roof, awakening muttered thunder."

I think I ought to state for the benefit of the present generation, who may like to know what followed upon the funeral, that his grave was left open for two days, and as crowds of people passed in procession they dropped flowers into his grave, amongst which were afterwards found several small rough bouquets of flowers tied up with pieces of rag.

That was a tribute which would have given him greater pleasure than any form which such a tribute could take.

My father has, naturally enough, been the subject of much criticism, both in his lifetime and since his death. This was, of course, inevitable, having regard to his great position in literature. It is only what any author must expect and one indeed which any author must court. Where

such criticism is passed by responsible critics, and in fair and measured language, no possible objection can be or has been taken to it, whether it be favourable or otherwise, and I have certainly never heard my father make any complaint on that score. But there has arisen of late, in some quarters, a form of criticism which is in the highest degree irritating; not only on account of the extreme intemperance of its language, but also because of its utter futility and its entire want of that feeling of responsibility which must fall upon anyone who takes upon himself the high functions of a critic.

One of the most bitter and acrid attacks upon him was made, shortly after he died, by George Henry Lewes. In the course of that article the writer quoted a very distinguished man, so he described him—though he did not vouchsafe to give his name—who had, in conversation with the writer, passed a very harsh and severe criticism upon Dickens's literary methods. But Lewes had to go on and tell us that this same distinguished amateur critic was constrained to say in almost the same breath: "*But after all, Dickens has entered into my life.*"

With regard to criticism generally, I think my father took the view that Wordsworth took, who said: "I have 'no very great desire that anybody should write a critique 'upon my poems. If they come from above they will do 'their own work in the course of years; if they do not, 'then they will perish as they ought to do.'"

I cannot do better in concluding this branch of my subject than to quote the words of Dean Stanley, which he uttered in his memorial sermon in the Abbey the Sunday following the funeral:

"If any of you have learnt from his works the eternal

“value of generosity, purity, kindness, unselfishness; and
“have learnt to show these in your own hearts and lives;
“these are the best monuments, memorials and testimonials
“of one who loved, with a rare and touching love, his
“friends, his country and his fellow men.”

To show what strange forms such criticisms can take I will allude to two instances. One was noted by Mr. Alfred Noyes in a lecture he gave “on the poetry of Dickens,” the subject criticised being “The death of little Paul Dombey.” Thackeray, who understood his art as well as any man of his own time or any other time, characterised this death scene as “stupendous,” while the little critics of to-day call it “sickly.” The other was a criticism of that most touching of all his stories, namely the *Christmas Carol*, as being over-sentimental. What did Thackeray think of it? “Who can listen to objections regarding such “a book as this? It seems to me a public benefit and a “personal kindness to every man and woman who reads it.”

However, this is not of grave moment, for the public, in spite of any such adverse comments from sources such as these, has long since given its verdict, and no one can doubt, I think, that he fully retains the popularity which has been associated with his name for so many years.

This raises the interesting question: “Why is he popular?” Upon this question I should like to refer to a very striking and interesting article by Mr. J. W. T. Ley in the summer number of *The Dickensian* in 1933. He is, no doubt, a profound admirer, but he is also one who is quite as conscious of my father’s faults as of his merits. For I suppose no author, however great, is wholly free from them. In the article I allude to Mr. Ley discusses in an absolutely impartial manner both sides of the question

from a literary standpoint, and proceeds to give his own answer to this question: "Why is he popular?" His answer follows so closely upon views generally entertained of him that, with his permission, which he has been good enough to give me, I should like to adopt his language as my own: "My answer to that question," he writes, "is that "Dickens is popular because every book he ever wrote is "inspired by the one thing that matters in all eternity—"Love; or, if you like—it is the same thing—Charity. . . . "He came to this world with a cheery gladsome message, "a message, as the late Dean Stanley said, of brotherly "love, of sympathy, in the highest sense of the word. . . . "He taught in every book, in every short story, in every "article he ever wrote, 'God is good, and hearts may count "in heaven as high as heads'. . . . He made the best use "of the talents which had been given him and strove to "leave the world better than he found it. This is why "his memory is blessed to-day by thousands who know "nothing of the man, as that of a friend who laughed with "them when they were merry, and who sorrowed with "them when they were sorrowful."

I should like, in this place, to add my own views on this question, which I expressed in my address, as President of the Dickens Fellowship on the occasion of the celebration of the 92nd Birthday Anniversary on February 8th, 1904: "It has been said by some of his critics that "my father's work was often marred by an excess of "exaggeration. I venture respectfully to deny the justice "of that criticism. That his colouring, if I may use such "an expression, was strong, and sometimes even startling, "is true enough; but if you want to make a deep effect, "a lasting impression, your methods *must* be bold and

“striking. The same complaint was made of Turner, the
“artist, who has left to us some of the finest effects of
“colour the world possesses. The same might be said of a
“great sculptor like Michelangelo. But do these critics
“suggest that there was any exaggeration in the way he
“pleaded the cause of the poor and oppressed, or taught
“men their duty one to another? If so, thank God for
“such exaggeration, which has had the effect of inspiring
“mankind with the highest and best feelings which the
“world can show.”

With this I close my recollections of him. They are, no
doubt, painted in terms of high eulogy. That is but
natural; but I have striven to do my best merely to give
such a description of him as would enable the public to
form some idea of what kind of man he was. I offer no
apology for what I have written—nay more: knowing as
I do the love and reverence which are felt for him now,
more than sixty years after his death, I do not believe
for a moment that my readers are likely to find much
fault with me for what I have said about him.



PART II

MY OWN LIFE BEFORE MARRIAGE

CHAPTER I

The Monday "Pops": Is England a Musical Nation?: Arthur Chappell: Some Great Artists: Gounod: Our Wedding March: Opera with Grisi and Mario: Albani in Florence: Our Modern Conductors: Private Concerts: The Lehmann Family: My Lessons at School: Jazz: The Proms: "Thrillers": Influence of Films.

AFTER my father's death, my sister Mamie, my aunt and myself made common cause, and took a house together at 81, Gloucester Terrace, Hyde Park, where I remained until my marriage in September, 1876. I have wondered, sometimes, why my sister never married. She was very attractive, clever and an experienced housewife. I think it was because she was so absolutely devoted to my father, that nothing would induce her to leave Gad's Hill.

It was during this period that my education in classical, orchestral and chamber music began; the result of which has given me one of the greatest pleasures of my life. My sister was musically inclined, and at that time the Monday Popular Concerts were in full swing; so my sister and I took the same two stalls every season, for four consecutive years, and we rarely missed a "Pop." These concerts were quite a revelation to me. They were an education in themselves, for they not only taught me to understand and appreciate classical music, but also to love it. My teaching has stood me in good stead ever since.

It used to be said, at that time, that England was not

a musical nation. That may have been the truth then, but I do not think it can truly be said of us now. Who is mainly responsible for this great change? I have no hesitation in attributing it to Mr. Arthur Chappell of the firm of Chappell & Co. He was the originator and organiser, not only of the "Pops," but of most of the musical ventures of the time. He it was who introduced to the public the greatest of musicians; musicians who were already world renowned. Let me recall some of them as I knew them then. Let me take the usual quartet at the "Pops." Joseph Joachim, Ries, Zerbini and Piatti, or occasionally Strauss. When the Schumann Quintet was played, add Madame Schumann and you get a rare combination! At these concerts, Haydn's Quartets were constantly to be found on the programme, and my sister and I used to follow the music with the score. These were of course only a few of the artists which we heard on those occasions. Augusta Redeker (afterwards Lady Semon), Madame Neruda (Lady Hallé), Sir Charles Hallé himself, Antoinette Sterling, Sophie Löwe, Fräulein Friedlander, Herr Hollman, and that most excellent artist, musical through and through, whom I have the pleasure of remembering amongst my oldest and dearest friends, George Henschel; Santley, who did not, if I recollect aright, often sing at the "Pops"; Sarasate who, although he was not often on the programme for these particular concerts, was one of the great musical giants of the time; as was that great artist Rubinstein. In addition to the Popular Concerts, it must be remembered there was also a series of orchestral concerts at the Crystal Palace, which were extremely popular and were conducted by Sir Michael Costa, and later by Sir August

Manns. I do not propose to enter into the history of the various schools of music, of the Philharmonic and other Guilds; the subject is far too large for me to enter upon. I must confine myself to those which were most closely associated with myself. The number of great artists increased rapidly as the taste of this country mellowed: Sims Reeves, Pachmann (a great artist, in spite of his oddities and his mannerisms), Kreisler, Paderewski, Caruso, Mark Hambourg, Casals, and others well known to the musical community in this country. I want especially to mention Charles Gounod, the composer, for he was a friend of my wife's before our marriage and he wrote a Wedding March specially for us. It was wonderful to hear that old man sing some of his own songs when his voice was really gone. He sang with such delightful art, that one entirely omitted to notice that he had no voice to speak of. Gounod's music has always had a peculiar attraction for me, and I used to couple him with Mendelssohn in my own mind as being the two great masters of melody.

I do not happen to come from a musical stock myself, but my wife is a granddaughter of Moscheles, the composer, and her mother was a pupil of Chopin, and used herself to play his music with full knowledge of his methods and of his ideas—as my wife's sister (Nina Rosen) does up to the present time.

We used also to go to the opera on occasions. One year, I remember, when my father was giving a series of his readings in connection with the Chappells, Arthur gave my sister and myself two stalls for Covent Garden twice a week during the season. My opera days go back pretty far. There are not many people who can say, as I can,

that they have heard Mario and Grisi together. This was, of course, quite at the end of their careers; but they were wonderful, for all that. I also heard Albani, for the first time, under very interesting circumstances. It was in 1872, when I was paying a visit to Florence, and stayed with a Signor Fenzi in his palazzo. He was a very well-known banker there and had a private box at the Pergola Opera House. I remember going to a dress rehearsal of *Mignon* in which Albani was making her debut preparatory to her first visit to London.

But, in my own case, the opera, however good it might be, never gave me half the pleasure that I have derived from classical concerts. I have been fascinated by Adelina Patti, admired Albani, been entranced by Melba, and wondered at the art of Caruso, and yet I still say that I would always choose a classical concert, if I had my choice of the two. I have mentioned Chappell as having been mainly instrumental in educating the mass of English people; but I should add that much has been done to help this good work by modern conductors such as Sir Charles Hallé in the past and Sir Henry Wood, Sir Thomas Beecham, Sir Landon Ronald (who is also a personal friend of mine) Sir Hamilton Harty and Dr. Malcolm Sargent.

I must not omit to mention the delightful musical evenings we used to enjoy in private drawing-rooms, some of which I look back upon with peculiar pleasure.

Some of these were given by Henry Joachim, the brother of Joseph, when the latter was in England. This was not a case of a number of gilded chairs crowded together with no place for ordinary people's legs. Only a limited number of people were invited at a time, so as

to allow of each one having a comfortable chair in which he or she could listen to the best music which could possibly be put before them.

The other musical drawing-room was that of Mr. and Mrs. Frederick Lehmann in Berkeley Square, who, with their family, were very dear friends of ours. It was really the centre of the literary, artistic and musical world. Mrs. Lehmann was one of the family of Chambers of Edinburgh, well-known for their artistic surroundings. Mrs. Lehmann herself was a very fine pianist, consequently the music we used to hear in her house was of the very best.

I remember meeting George Eliot there on one occasion. She was a woman of no personal charms; indeed, her face had been likened to that of a horse; but it was one which, when she began to talk, was brightened up by the light of a striking intelligence.

The Lehmann family consisted of a daughter and three sons. The daughter Nina was lovely as a child and beautiful as a grown woman—some of my readers may recollect a delightful portrait of her by Sir John Millais which was exhibited in the Royal Academy. She married Lieut.-Colonel Sir Guy Campbell, Bart., who died some years ago; and now, even as I write, I have heard the news that she herself has died. She preserved the charm and delicacy, which were always her most striking characteristics, to the end. I have known her ever since she was a child and I do not think I ever met such a perfect combination of beauty of mind and body, accompanied as it was by a judgment of absolute sanity. She has left many friends behind her to mourn her loss and none who appreciate her character more highly than do my wife and I.

The pleasant days we spent in that home of Art and Music will never be forgotten by either of us.

I must not omit to mention the musical parties given by Sir George and Lady Lewis of Portland Place. This was also a real palace of music.

I was never a musician myself, although I used to have pianoforte lessons when I was at Wimbledon School. My music master was a brother of a very well-known violinist. He was quite competent himself, but he used to annoy me by reading his daily newspaper, without paying the slightest attention to myself or my vain efforts at the piano. I have little doubt that I was but a poor and barren pupil; but his conduct was, to say the least of it, extremely trying. Indeed, on one occasion I could stand it no longer, and I suddenly burst out in an angry way: "Are you paid to come here and teach me the piano or to read your newspaper?" That was, no doubt, very rude, but he really brought it upon himself; and I think he was more attentive after that protest on my part.

With this love for classical music it will be readily understood that I could never take to "jazz." Indeed, I hate it. I dislike it as much as I used to dislike those German bands which were wont, before the war, to frequent our streets.

I was giving expression one day to my dislike of this form of music to a lady, when I went on, unfortunately, to say somewhat stupidly: "As for people who play the saxophone, they ought to be thrown into the river." "Oh, really!" she said, with a quiet smile, "I have a son who plays the saxophone." However, as it turned out that she was a Conservative and that her son had strong Communist views, no harm was done!

MY OWN LIFE BEFORE MARRIAGE

I can only regard jazz as a passing phase in music, and not one that is likely to endure. I should be sorry to think otherwise, and should rather despair of music, were I not convinced that the standard of music in this country is far higher than it was in my early days. This is clearly evidenced by the thousands of people who now flock to the Promenade Concerts, commonly known as the "Proms," which seem to have gained to the full the affections of the public which had previously been enjoyed by the "Pops"; and with regard to these "Proms" I must add that I have been greatly struck by the musical intelligence and knowledge of music which these audiences appear to enjoy.

CHAPTER II

Trinity Hall: Criticisms on University Life: Open Scholarships: Women Undergraduates: Sir Robert Romer: Ben Latham: A Great Race.

I WAS entered on the books at Trinity Hall in October, 1868, and I took my degree early in 1872, so that part of my college life was passed before and a part after my father's death.

Trinity Hall is a law college, and as I was to go to the Bar, I was naturally advised to go there. It had also the reputation of being a great rowing college, a reputation which it has retained for years; and though, at the time of writing, it would appear to have struck a bad patch, I hope it will not be long before it regains its old supremacy; for I am still proud of being a Hall man and follow its fortunes with undiminished interest.

In these days of "outspoken" democracy it is quite in the fashion to attack ancient institutions, however deeply their roots may have been embedded in the history of the country. The universities have by no means escaped this form of censure. We appear, according to some, to be suffering from what is generally called "an inferiority complex," so that nothing that is old can be looked upon as being of much value at this time of day. The methods and constitution of the universities, it is said, do not march with the times, and are wholly out of date; while the undergraduates would appear, according to some wild critics, to be

a lot of idle plutocrats wasting their time and their money in idleness. This kind of criticism must necessarily be of little value and need not be taken seriously. The universities have, naturally, to move with the times, and those who know them best are in a better position to judge than I can, of the extent to which they have been able to do so. There is one great feature in connection with university life, however, which certainly did not exist in my time to anything like the extent to which it exists now. As a result of the founding of scholarships in the polytechnics or schools, both public and private and otherwise, the universities are now thrown open to many a young man who could not have hoped to enjoy the advantages of college life when I joined the 'varsity. That, as well as the admission of women into college life, is in itself a great step in advance of the times, and shows the extreme value and importance which is attached to university training as it exists at the present day. When I went up to the Hall I went up as a "reading man" although, as I have previously explained, I had been somewhat indignant at being called a "student-looking youth" by Longfellow. I did this because, for my name's sake, I naturally desired to take a fairly good degree; a step which involved a great deal of preliminary work. The name under which the "reading man" was generally known, when I went up, was the word "smug." An expression, however, which was confined to those men who "swotted" and did nothing else; and as I at one time took part in the boating life, and later was elected captain of the cricket eleven, I never can be said to have fallen within that somewhat derogatory designation.

As a matter of fact, the two, "work" and "play," can

readily be combined with the help of a little reasonable discrimination between the two, so as not to overdo either the one or the other. We often find a "blue" in the list of wranglers for instance, or firsts in the triposes.

Bob Romer—I mean the late Lord Justice Romer, for he must always remain "Bob" to me—was a very marked instance of what I mean. He was a hard worker because he became Senior Wrangler, the Hall's only Senior Wrangler, and yet at the same time he took a prominent part in boating and in the general life of the college and always showed himself to be a really "jolly good fellow" both in name and deed. I should like to add that it is a matter of extreme pleasure to all of us who knew and admired him, to see his son occupying a place in the Court of Appeal which had, at one time, been filled by his gifted and ever-popular father.

I naturally ask myself at this juncture what is the feature to which I can look back as being the one which struck me most in my college life. My answer is, beyond all question, Ben Latham; the then Tutor and subsequent Master of the College. For he was a very notable—indeed, a very remarkable—man. To many he exists merely as a memory, but there are many who knew him, at least in the days when he was Master if they did not know him as tutor, and I do not doubt that the view I take of him will be readily shared by all. If ever a tutor made a college Ben Latham made Trinity Hall. I have often thought that the position of tutor in a large college must be one of the most extreme difficulty. The undergraduates come up to college, emancipated from school, with money provided for their needs and to play with, and yet with much of the mischief and want of discipline which

naturally appertain to "growing youth." Ben Latham knew better than most people the proper way to approach young men of this kind and keep them under control. The method he adopted was simply to "put them on their honour" and to let them understand that he did so. There were a few men in my own time with a good deal of money and somewhat unbridled instincts, but they never overstepped the mark, they never "kicked over the traces," because they knew by so doing they would have hurt old Ben. He was not so very old at this time; "old" in this connection being merely a word of endearment. He was somewhat odd in appearance: tall, slightly stooping, rather gaunt and with a curious halting kind of walk. He was very keen on boating and took a great interest in the Hall boats, which naturally added to his popularity in a rowing college. During the races he would hobble along the banks with the help of an umbrella—I hardly ever saw him without one—and he would cheer the men on.

One such occasion I remember well, for it was one of the most exciting struggles on the water I have ever witnessed. It was in the May Races, and our first boat was fairly high up. When the racing boats reached the top of the Long Reach the position was this: we were pressing hard on the boat above us, while we were also in danger from the boat below us, when suddenly No. 2 (Campbell by name) broke his oar. Without a moment's hesitation, he jumped clean overboard, and we had to row the rest of the course with seven oars. The boat in front of us, of course, got right away; but the boat behind followed in close pursuit. We had a first-rate cox named Hayes, while the cox of the pressing boat was entirely wanting in judgment; for, instead of biding his time as we were being

slowly worn down, he kept on trying to make a nibble at us which was promptly countered by the wash of our rudder at every attempt he made. Thus the boats went down the reach until they arrived at the railway bridge, which at that time marked the winning post; and with a last tremendous effort our men just, and only just, got safe home. Meanwhile, a struggling mass of yelling youths, including Ben (with his umbrella) and myself, were running along the bank fairly wild with excitement and hoarse with shouting. We men at the Hall crowed pretty loudly after this, as may well be imagined.

CHAPTER III

I Become a Cox: The Ancient Mariners: Professor Fawcett: Ben Latham as an Oar: The Master of the College: Literary Lectures: Charles Kingsley.

WHEN first I went to the Hall I took to boating in the character of coxswain. It was a dreary business, I remember, in the winter months. For the men who were rowing it was right enough, because they kept themselves warm by their physical exertions. But the poor cox had but a rotten time of it, for, while the crew were sweating, the unfortunate cox was freezing. However, this was only what a cox had to expect.

Queens' College, at this period, was not thought much of on the river. If any Queens' man reads this I must remind him that I am talking of a condition of things which existed more than sixty-three years ago. On one occasion in the Lent races our fourth boat, of which I was cox, was bumped by their boat, a bump which as nearly as possible ended in a tragedy; for the cox of Queens' boat, overcome by their unexpected success, instead of crying "easy all" upon my putting up my arm to acknowledge the bump, allowed the boat to continue its way, with the result that their bow just missed me by inches.

Naturally, my language was lurid: indeed it was as lurid as I could with any sense of decency make it; because, after all, one does not expect to run the risk of being transfixed every day of one's life. Ample apologies

came from the bank: "So sorry, sir; so sorry; pray excuse us. The fact is, this is *our first bump*."

That may, or may not, have been a good excuse. Anyway, the result was that I felt so humiliated at being bumped by Queens' that I gave up "coxing" and took to cricket instead.

On one occasion, in the vacation it must have been, I coxed the "Ancient Mariners" eight, that recognised institution, a boat of old 'varsity men with Professor Fawcett rowing stroke. He was stone blind in both eyes and had been so since quite a young man, having been accidentally shot when out shooting. But it was wonderful how little this terrible infliction troubled him. He would walk about the streets, with a quick step, with someone to guide the way; and I have seen him skating on the ice as freely as anyone; all that was necessary was that he should be accompanied by someone to keep him from the dangerous places. He was in Parliament and was an active politician. His outstanding feat was when he was a member of the government, and had to make a speech on Indian finance, in which he had to deal with intricate figures which might have puzzled any man with all his faculties sound and active. I have always understood that it was his wife who gave him that assistance which was essential to enable him to carry through so gigantic a task.

Ben Latham was not one of the crew of Ancient Mariners of which I have spoken, but I have seen him row in another scratch eight under the following circumstances. There was a young freshman named Estcourt who showed himself to be a very promising oar, and in whom old Ben took a great interest. Accordingly, on one

occasion Ben got a very scratch eight together, in which he was to row number two and Estcourt three, so that Ben could give him a little "coaching." I saw that eight at work; Ben at number two "*screwing*" out of the boat in a way which would have brought down upon his devoted head a lot of language from the Captain of the boats, while he himself coached Estcourt "how he should go."

Luckily, Estcourt suffered no detriment from this form of tuition, and eventually rowed in the 'varsity boat against Oxford; but the picture of Old Ben as an oar was a "sight for the gods."

The Master at this time was Dr. Geldart; a strange contrast to Ben. He was more like an old-fashioned country squire than anything else and was very fond of fishing, while his wife was a sound and active church-woman.

The result was that, at the dinner-parties at the Master's Lodge, to which we were from time to time invited, the conversation would run somewhat in this way. From one end of the table you would hear: "And so the poor Bishop died," while at the other you would hear a cheery voice exclaim: "That fish weighed at least three pounds if it weighed an ounce."

Ben had a curious kind of lisp. He could not get his "r's" right: they always sounded like "w's". He had a raven of whom he was very fond. She was a lady and went by the name of "Gwipina."

He was very anxious to get together a lecture class on literature which was outside the ordinary curriculum; so some of us set to work and got quite a decent number of men to attend them. Ben loved these lectures and, to use an Americanism, "quite spread himself." We read,

amongst other things, Ben Jonson and Chaucer, and I used to love to hear Old Ben begin the reading of Chaucer with the words: "The little birdes, singing on the *twee*."

I remember at this time meeting Charles Kingsley. I had been asked to a notable luncheon party at St. John's. We were a large party seated at a long table, Kingsley being seated quite at the opposite end of the table to me. In the course of the luncheon a question arose in connection with my father, and someone turned to me for an explanation. On hearing this Kingsley, putting down his knife and fork, said: "Are you a son of Charles Dickens?" Upon my saying that I was he at once got up from his seat and came right down the room to shake me by the hand.

There was a peculiarity about Kingsley which I have rarely noticed in others. He stammered very badly; yet when he preached I have heard say there was no trace of anything of the kind.

Another instance of this was in the case of Beck, who was an undergraduate and contemporary of my own, and who afterwards became tutor and master. He had a very bad stammer; but in reading the lessons, as scholar in chapel, he read as clearly as any ordinary reader would.

CHAPTER IV

The Union: My Maiden Speech: The Art of Speaking: A "Mumbling Age."

I JOINED the Union very soon after I went up, but it was some little time before I took part in the debates. I made my debut in a debate on "Compulsory Education." This must have been in 1869, for the Bill was introduced into the House of Commons in 1870. I remember my friend, Ashton Dilke, and myself burning the midnight oil in preparing our orations. My peroration, which was taken from something which had fallen from the lips of Mr. Mundella, one of the leading advocates of compulsion, was peculiarly fitted for my undergraduate audience. This was how it was greeted: "Avoid the policeman" (pause and cheers from the undergraduates) "if you can" (another pause and laughter and groans) "but if he must be used, let him rather be used to drag a child to school than that he should have in after life to drag him to a jail." I spoke on several occasions after this, with a considerable degree of success: so much so that some of my friends prompted me to put my name forward as candidate for the Presidency at the forthcoming election. This was quite wrong. I should have gone through the ordinary course: Committeeman, Secretary, and finally President. Of course, I was beaten and it served me right. Looking back on this incident it appears to me now to have been a bit of self-conceit on my part which I have never since ceased

to regret. The level of speaking was quite good in those days, though I cannot recall any speaker of real outstanding merit during the whole of my time. Judging from my own experience, I would certainly advise all men who propose practising at the Bar, or taking an active part in public life, to practise speaking in these debates. We debated on all manner of questions, as they do now; but we never ventured to debate a resolution to the effect that "this House will not fight for King or Country." Indeed, I doubt whether a resolution worded in such downright terms as these would have been tolerated, though I have no doubt that a resolution couched in less unqualified language, with the view of showing the House's detestation of war generally, would have been passed with acclamation. There is no accounting for tastes. I found, as time went on, that attending these debates took up too much of my working hours, so I felt I must cease taking further part in them.

This matter of speaking at the Union naturally brings me to the consideration of a subject of very great importance, namely, the art of addressing a public audience in such a way as to make oneself heard and understood by them. There is a feature at the present time which cannot help attracting notice. It is the manner in which speakers in public fail to achieve this most important result. There is a marked tendency to "mumble" the words instead of clearly enunciating them. This is to be found amongst actors on the stage, barristers in the Courts and parsons in the pulpit. It has become so general that one might almost designate this age as the "mumbling age." The habit is a thoroughly bad one, and most irritating to the would-be listeners. Some people are more gifted than

others in the possession of a good and flexible voice; that is true enough, but that advantage is of no use to a speaker if he fails to use it in such a way as to make himself heard or understood. To do this he must first appreciate the necessity of dividing his syllables instead of jumbling them together. He must next take care to raise his voice at the end of a sentence, and not drop it, as is commonly done. It is the end of a sentence which gives the hearer the clue which will enable him to pick up the sentence as a whole, and so to appreciate the intention of the speaker; and, lastly, it is of the greatest importance that emphasis should be laid in the proper place. A false emphasis in the wrong place may altogether destroy the whole value of that to which the speaker desires to give expression. These rules are simple in themselves and can be easily followed; and yet, time after time, you may come away with the irritating feeling that the speaker has entirely failed to convey his meaning to one's sense of hearing or to one's mind.

Quiet, clear, unobtrusive enunciation is of the very essence of useful speaking. The most beautiful speaker I have ever heard was Canon Ainger. It was a real delight to listen to him whether he was reading the lessons or preaching a sermon. This fault is most noticeable, I think, on the stage. I was discussing this very question with a well-known and experienced actor the other day, and he fully admitted the justness of my complaint. From my own experience I know that barristers are by no means free from this fault, while a prominent member of the Church mourned to me over the fact that it was too often to be found in the pulpit. This is a consideration which might well be borne in mind by young men commencing

their careers as speakers in the Union. It is not difficult to avoid this grave mistake, but once allow yourself to get into a bad habit and you will find it very difficult to be free of it in later years.

CHAPTER V

Social Gatherings: The Tripos: Dr. Frost: A Midnight Orgy With the Fellows: "Old King Cole": Cricket.

WITH regard to our social habits at College at that time, there was very little, certainly in the Hall, in the way of dinner-parties. Our usual forms of entertainment were suppers, generally on Saturdays, Sunday breakfasts, and "wines" after dinner. These wines, I understand, have long ago gone out of fashion. They really amounted to desserts with the ordinary wines usually served at dessert. They were never at all popular and were rather a nuisance than otherwise.

With regard to suppers, there were four of us who used constantly to meet on Saturday nights and play whist for sixpenny points. On two occasions, at least, we played whist all night, with several intervals for supper, and went straight from my room to Sunday morning chapel. Sunday breakfasts which included beer, were generally followed by a walk to the Gog Magogs. On one such occasion, I remember, when there were several of us, a walking match was arranged between H. S. Malden (later a well-known Professor of History) and myself from one milestone to another. I beat him hollow; and the time taken from the watch was nine minutes. I wish I could do that now. On another occasion my old friend Joey Anderson (so called, I suppose, because that was not his name, his real name being Maurice), Malden and I set off early one morning for a walk to London, fifty-four miles;

but Joey strained his ankle at Ware, thirty miles off, and we had to put up there (though not in the Great Bed of Ware) and finish our walk next day. Joey and Malden have both left us, I grieve to say.

All this time I was keeping steadily at work for my Mathematical Tripos. The times for holding the examinations were altogether different to what they are at the present time. They were held early in the year and were divided into two parts, three and five days, with an interval of about ten days between the two.

I had passed my little-go in my first year and had also gained my scholarship at about the same time.

I coached with Dr. Percival Frost who, at one time, had many pupils. When I was with him there were not many, but among them were Alfred Kempe, afterwards Sir Alfred and Treasurer of the Royal Society and the Chancellor of several dioceses, and one of my nearest and dearest friends, and the other was a member of the Ritchie family, who afterwards married Annie Thackeray, daughter of the novelist. At this time Mr. Routh was the popular coach, with a large number of pupils, amongst whom there was always a keen competition, which kept them up to concert pitch. With Frost there was nothing of this kind, and I have little doubt that if I had gone over to Routh it would have made an undoubted difference in my position in the Mathematical Tripos. Alfred Kempe did, in fact, leave Frost and go to Routh; but I had a very great affection for him and his wife and I remained with him to the last. I made another mistake—a grave one. Had I been wise I should have done no work of any kind during the ten days interval between the two parts of the Tripos; but as I was very keen upon two particular subjects, one

being the theory of the planets and the other the polarisation of light, I was foolish enough to go on working fourteen hours a day during the interval when I ought not to have opened a book of any kind. Consequently I began the second part of the examination more overtired than I should have been. The irritating part of the whole thing was that I had received due warning as to the mistake I was making.

At this time the fellows were up at Cambridge for their annual gathering, which was always of a pleasant and convivial character. One night, after I had been working hard all day and was about to go to bed, there was a loud knocking at my "oak." Putting on my dressing-gown and going to the door I found Lumley Smith, one of the fellows (afterwards a K.C. and Judge of the City of London Court), confronting me. "Now, young man, he said, "this is all wrong. You are working yourself to death. Come along and get away from your books." "No, no," I pleaded; but, without more ado, he got hold of me and carried me in my dressing-gown to the room in which the fellows were assembled to "keep wassail" together in friendly communion, and shot me down like a bundle in the midst of them. There were cordial greetings, accompanied by "discreet" doses of whisky and soda, administered, of course, as a restorative, and altogether I need hardly say that I had a fine evening of it, and was not a whit the worse for it on the following day. On the contrary, the change did me a world of good.

It was at Cambridge that I began to sing "Old King Cole." Its originator was Bob Romer, and it was a very popular song, probably on account of its being a very noisy one and one which entailed a certain amount of broken

glass. I carried on this tradition at our circuit dinners when I went on the old Home Circuit.

I always went up to the Hall during the long vacation because it was an excellent time for putting in some good work and also because it was a very enjoyable time in itself.

Our cricket was somewhat hampered in the May Term, because, being a rowing college, only a certain number of matches was allowed. To obviate this difficulty, we started another small club, consisting half of Hall men and half outsiders. This went by the name of the "Magpies"; but I found that I had to abstain from playing much in their matches, because they interfered too much with my necessary hours of work.

During the long vac, we had an eleven called the 'Varsity Vacation Eleven, with whom I used to take part as wicket-keeper, and we had some very jolly matches in the surrounding neighbourhood. My first contact with the Bar of England was on the occasion of such a cricket match between this eleven and an eleven of the members of the Bar on the Summer Circuit to Cambridge. On this occasion I was lucky enough to catch two at the wicket and stump one; but I also had the experience of being clean knocked out by a rising ball which caught me straight in the temple.

During my stay in the vac during my least year, Old Ben had injured his leg and could not do much walking, so my friend, Pope, and I used to take drives with him into the country, and those drives generally culminated in very charming little dinners at which Ben's great friend Munro of Trinity, a celebrated classic, and ourselves were present, on which occasions some of the madeira for which the Hall was famous found its way to the table.

CHAPTER VI

Franco-German War 1870: Visit to the Rhine: A Wrangler: Career Summarised.

DURING the autumn of 1870 my dear friend Ashton Dilke and I had a most interesting experience. We had originally started for a short holiday in Belgium, as the war between France and Germany, which was then raging, made it difficult to go elsewhere; but, after we had been there only a week or two, it suddenly struck us why should we not get on to the Rhine and see something of what was going on there? We found that there were still occasional boats running on the river, so we boarded one and got as far as Coblenz. This was after the battle of Wörth, and just prior to the debacle at Sedan. We found there a camp of something between sixty and seventy thousand French prisoners; while, in our hotel, there were a number of French officers, prisoners *en parole*. It was pitiable to hear how these officers quarrelled amongst themselves, and with what bitterness they criticised the action of those in command who were responsible for the utter collapse of the French army.

I was reminded very forcibly of this incident when I went on the boating excursion on the Meuse in 1881, which I have described in another chapter. On that occasion I was stopping at Sedan with one of the principal merchants in the town, who was an officer in the French army on the occasion of the awful disaster at that place. He told me

an experience of his own. He had ridden out one afternoon, to Bazeilles, a suburb of Sedan, to see his father who lived there. This was the place where afterwards the "Infanterie de la Marine" made such a gallant defence of a bridge over the Meuse. On his return he was shot at by a Prussian. This he immediately reported to Headquarters. He was laughed at. "Prussians! They are miles away!" Within a few hours the German guns were in position on the surrounding heights commanding the town which lay below on all sides, and surrender became inevitable.

Well might the officers *en parole* at Coblenz have been bitter under such impossible conditions as these.

Looking back upon this experience I begin to wonder how it ever happened that we got anywhere near to Coblenz; how we ever reached Coblenz! Nobody challenged us; nobody asked us why we were there. We might have been mere tourists in peace time having a little excursion on the Rhine.

When the lists of the Tripos appeared I found I was twenty-ninth wrangler in a very heavy year; and, although I had hoped I might have been within the first twenty, I was not altogether disappointed. The place was too low to allow of my getting the fellowship which my father had hoped for, but in lieu thereof I gained a law studentship of £50 a year for three years. It was even suggested to me that I might do well to remain in college and go in for the Law Tripos; because in the event of my taking a first in that I might still have a chance of a fellowship. But I felt I could not do this. I thought it was high time for me to get "going" in life; and as I had £400 or £500 a year from my father's will, I was more or less independent.

MY OWN LIFE BEFORE MARRIAGE

So ended my 'varsity career. I do not at all pretend that I greatly distinguished myself there. I had won a scholarship my first year. I had won the Prize Essay of the College on the subject of Simon de Montfort, and I had gained a Law Studentship for three years after leaving College and I was twenty-ninth wrangler in an undoubtedly heavy year. This was quite a respectable achievement, but really nothing more.

But this was by no means all that I could put to my credit there. I had, in addition, made many good and fast friends and, although working hard, I had been fortunate enough to have had a thoroughly enjoyable time without a hitch of any sort or kind during my three-and-a-half years' residence at the Hall. I can, therefore, look back upon my 'varsity life with unqualified pleasure, and in order to show how greatly attached I was to my college, I may add that I sent three of my sons there afterwards, which must, I think, be quite a record.

PART III

AT THE BAR

CHAPTER I

Delays of Parliament: The Evidence Act: The Rights of Women: A Great Profession: Its Difficulties: Plenty of Room at the Top: Its Prizes: Stipendiary Magistrates: Women at the Bar.

I took my degree early in 1872 and availed myself of the opportunity of paying a visit to Italy, which lasted some ten weeks. I then started reading in Chambers. I was called in November, 1873, and from that date I was engaged in the profession of the law; during the last fifteen years as judge in the Central Criminal Court in my capacity of Common Serjeant of London. I was fortunate enough, as time went on, to gain a steady and considerable practice, of a very varied character, and was consequently engaged in cases connected with many different phases of litigation. It follows also that I have naturally mixed with many interesting and prominent judges and leaders in my experience of wellnigh sixty years. In these pages it is my object to reproduce much that I have seen and heard during this time which I hope is likely to prove of interest to the general public, whether they be lawyers or not. In telling my story I shall also attempt to draw some slight sketches of some of the judges and advocates who have been famous in the profession during my time; and I hope to do so in plain and ordinary language, without making use of technical terms, except in so far as it may become necessary on occasions to explain the extent

to which the law has been altered, or rather, revolutionised, since I first became a student.

The law has, indeed, changed out of all knowledge, since I first knew it, and necessarily so. The common law is based upon tradition and custom. The judges cannot, of their own motion, change the law as already established; any radical alteration of that kind must be made by Parliament. Still, the common law must inevitably adapt itself to the changing times, and even in the case of the common law, it must insensibly be moulded, though it may not be radically altered, to meet the requirements of the times in which we live. So far as Parliament is concerned, the history of the past shows that it is strangely slow to move in this direction; and thus the legislature has in the past often allowed an anomalous and utterly wrong state of things to remain, until such time as popular clamour has roused it and forced it into action. As the law has changed in the past, so it will change in the future; but, whatever form it may happen to take, people will still appeal to it as they have done in years gone by, with or without reason; sometimes foolishly, sometimes vindictively, sometimes, no doubt inevitably, to save their honour; for man is a quarrelsome, unreasonable animal as a rule and, when his temper is aroused, becomes, more often than not, almost bereft of common sense.

To show the strange and unpardonable dilatoriness of Parliament in putting an end to a hopelessly impossible state of things, let me give some instances. For years and years it was the law of the land that neither of the parties to an action at law were competent witnesses on their own behalf. Just think of what that means. They are the two people most interested; as a rule the only two people

who are interested in the subject of litigation. They are the only two people who can, in most cases, speak directly to the facts; and yet they were not allowed to give evidence, simply for the very reason that they *were* interested; a theory no doubt based upon the suggestion that being interested, they were bound to lie; and so it came to pass that it was not until 1851 that this absurd and unjust law was amended by the Evidence Act of that year.

I have often been asked by people how it happened that neither Pickwick nor Mrs. Bardell was put into the witness-box in the immortal breach of promise case of *Bardell v. Pickwick*. Well, that is the answer. A still worse case of bad and unjust law is this: until the Prisoners' Evidence Act of 1898, prisoners were not allowed to go into the box and testify on oath. They were allowed, if they liked, to make an unsworn statement to the jury, but that was, of course, valueless as evidence, because all evidence as such must be on oath. This, of course, in the case of an innocent man (and every man is deemed to be innocent until the contrary is proved) was downright judicial injustice, more especially in cases in which the prisoner, from the very nature of the case, could have no evidence other than his own. The reform was therefore for the benefit of the innocent man, but in the working of the law, as amended, it is by no means so clear that it is an advantage to a guilty one. If he does not go into the box the jury are naturally suspicious of him; if he does go into the box he is cross-examined and most often comes to grief.

This old-fashioned treatment of a prisoner charged with felony was only on a par with his treatment in other respects in the cruel days long gone by. For many a year,

in cases of felony, his counsel was not even allowed to address the jury. He could only argue on questions of law.

Then, again, take the case of the rights of women. Until the Married Woman's Property Act, 1875, a married woman had no right to hold property of her own; and until 1882 she really had no legal status whatever. In that case, again, the change of the law was occasioned by reason of the aggressive and militant action of the Women's Suffrage Party.

Are there not, at the present time, other grievances almost as unjust, which cry aloud for a remedy? I allude, amongst other cases of the kind, to those of married men or women hopelessly tied by the law to a consort who has become incurably insane, for the whole of his or her natural life. I tried a sad case of bigamy arising out of that condition of things of which I shall say more at a later stage. I do not desire to enter into an argument on debatable cases; but we must all recognise that there is a very large and thoughtful public in favour of the cases to which I have alluded being dealt with by Parliament.

So far as the profession itself is concerned, it stands pretty well as it did. It is a profession distinguished for the high honour, integrity and courage of its members; for the extraordinary camaraderie which exists among them; for the magnanimity and warmth with which they join in their congratulations on a deserved elevation to the Bench of one who may have been, in court, their bitterest opponent. It is, in fact, a profession in which jealousy can find no fitting place.

Above all other things is it remarkable for the cordial relations which exist between the Bench and the Bar, and

the manner in which they work together with the mutual desire to see that justice is done. There is no other nation in the world in which this wholesome relationship exists so closely as in this country of ours. It goes to the very root of all criminal jurisprudence. The profession should also be looked at, I think, from an entirely different standpoint; and a very weighty one. It has many prizes, ranging from the position of Lord Chancellor to the lowest of the judicial offices; prizes far greater and more numerous than are to be found in any other profession or calling which is known to me. At the same time it must be remembered that it is a calling which exacts much of its children. A life of continued and unremitting study; many years of great physical strain; unbounded patience and mental qualities of no mean order. If all goes well, the success may prove to be beyond all expectation; but if things happen to turn out badly, failure must be heart-breaking; more especially in cases in which, in spite of the possession of many qualities which go to gain success, the owner of them fails entirely, for want of an opportunity; not from any fault or defect in himself, but for want of an opportunity to show them to the best advantage.

I have often wondered why I have witnessed so many such failures in cases of men whom I always expected to win a high place in the universal struggle. That is the greatest difficulty at starting: "*to get in,*" to find a "*place*" in the competition. Without that, a young beginner is nowhere.

"Many are called, but few are chosen." Yes: many are called with no kind of legal prospects; without having "married a rich attorney's elderly, ugly daughter," or without a prominent firm of solicitors at their back to help them. In the absence of any such advantages there is only

one course for a man in this position to adopt, which is to endeavour to become "devil" for some good barrister in practice. Granted, that is true, and that is easily said; but how is such a man to be found?

I wonder how many young men just called and looking out for chambers recognise how vital their choice of chambers may turn out to be in their future life? If a man enters a set of chambers in which there happen to be other tenants with a fair amount of work, there is quite a good prospect of getting into work himself. The clerk of the set of chambers will keep his eye on him—it is in his own interests that he should do so—and see not only that he may have the advantage of working at the papers which come in for the other tenants, but also gradually to introduce him to the clients; in which case, if he succeeds in making himself useful, he has a real opportunity of finding the opening for which he craves. If, on the other hand, he takes chambers as I did, in conjunction with one of my dearest friends, Alfred Kempe (afterwards Sir Alfred), with no other occupant of them except an old bankruptcy practitioner with a very limited practice, then what is to become of him? Let there be no mistake about this: a barrister's clerk is a very important and perfectly legitimate adjunct in a barrister's career, so long as he abstains from a system of "touting" for work. That, of course, is absolutely forbidden. In such a case as the one I have in my mind there is only one line of conduct to pursue: He must take care to be always *en evidence*, constantly in court ready to take a note or even to hold a brief for anyone who asks it of him; and, in a perfectly legitimate way, to get himself known to people and show his willingness to lay his hand to anything which he may

be called upon to do. It used to be said in my early days that a man could get into work by regular attendance at quarter sessions. That was quite true. I found it of the greatest advantage in my own case; but, unfortunately, the work at quarter sessions has been so much reduced and altered in its general character, for reasons that it is not necessary to go into, as to make it of little value at the present time. County Courts have taken the place of quarter sessions for this purpose; but in such a case the barrister will have to "devil" a case there and not go into the County Court to wait for work as was, of course, the case at sessions.

In my own case, I may add, it was about five or six years after I was "called" that I was asked to "devil" for a man in good practice, with the result that the improvement in my chances in the profession became quickly manifest. There should be no feeling of despondency in the consideration of this difficulty. It has been overcome over and over again; but it will not be overcome by anyone who trifles with the difficulties which face him. "The will to work," like "the will to live," is the primary factor towards success.

I have dealt somewhat at length on this subject because I know full well its difficulties and wish to help beginners to surmount them if I can.

I think it was Jessel, M.R., who, when asked by a lady whether it was any use sending her son to the Bar, whether there was any room for him there, gave as an answer: "Yes, ma'am; there is plenty of room at the top."

That is quite true, but it must be remembered that there is not only one "top," there are many "tops." If a man does not succeed in becoming Lord Chancellor,

he can still attain to the important position of a "stipendiary magistrate." Do not let it be supposed for a moment that, in saying this, I desire to say anything derogatory to the latter members of the judicial bench; far from it. I have always been of opinion that the work done by these paid magistrates is in every way admirable and of really vital consequence in the interest of the community at large. They are not only the judges of the poor but the friends of the poor. They give them advice free gratis, and for nothing, while they adjust their family and marital differences by adroitly turning them over to the sympathetic arbitration of the missionary of their court. The only feeling I have with regard to them is that they are underpaid.

I was not quite accurate just now when I said that the profession stands just as it did. In the first place, take my own case. I never passed any examination in law before I was called. All that was necessary at that time was to produce a certificate that I had passed my little-go at Cambridge, that I had spent a year in a barrister's chambers and that I had kept my terms by eating the required number of dinners in Hall. In the present days students have, very properly, to go through a definite course of study and to pass certain prescribed examinations before they can present themselves for call.

In the next place I forgot that women became eligible for the Bar a little more than ten years ago, and that they are now actively competing with men in the law courts. I should like to digress for a moment from my subject at this point, to say that it was I who had the honour of calling the first woman to the Bar. This was when I was Treasurer of the Inner Temple in 1922. The

lady was the daughter of a solicitor at Cambridge and was engaged as a law lecturer at some of the women's colleges there. Her object in being called was to gain the prestige of a barrister, for she had no intention of practising at the Bar herself. She was a very capable lady, and, as senior student, she had to speak on Call Day on behalf of her brethren at the Bar. She made an excellent speech and I commemorated the occasion by presenting her with a copy of *David Copperfield* with a suitable inscription. The call took place in our Parliament Chamber, where we have some fine old portraits of some of the judges of long ago. When I addressed the students I said, pointing to these portraits on the wall: "If it be true, "as is supposed, that the spirits of the departed hover "around us and take an interest in our doings here on "earth, I wonder what kind of language the spirits of "those old gentlemen are making use of at the present "moment." For, of course, in their days, as I have pointed out, women were considered of no account whatever.

As to whether women are likely to make a real success in the profession in the future, it is rather too early yet to judge. I have had some experience of their work in the C.C.C. of late years; but I prefer to withhold my judgment on such a very delicate question at the present time.

CHAPTER II

Changes in the Law: The Old and New System: Tom Chitty: Well-known Names: Edward Pollock: A Lesson in Law: The Biter Bit: Lord Moulton: The Judicature Act: A Story in the Tichborne Case: Cockburn, L.C.J.: Mellor and Lush, J.S.: Serjeant Parry: "Would you be surprised to hear?" Lord Coleridge: A false quantity.

I ENTERED upon my apprenticeship in the law at a time when great changes were in contemplation; when the whole structure of legal administration was to be entirely destroyed and a new edifice erected in its place. This was subsequently carried into effect by the Supreme Court of Judicature Act, 1873, which was passed in August 1873, and came into operation on November 2nd, 1874. Up to that time the procedure had been regulated to a large extent by the Common Law Procedure Acts, 1852 and 1854, according to a system of pleading which entirely disappeared under the new system.

Prior to the Common Law Procedure Acts little regard was paid to the merits of a case. That was the last thing to be considered. The case was generally fought out on the pleadings. It became a fight between pleaders and pleading became a high art. It was a battle of wits, a fight with legal rapiers. Technicality was master of the situation. Matters were, however, greatly improved by the passing of these C.L.P. Acts, for, after these acts came into operation, common sense had something to say in the matter

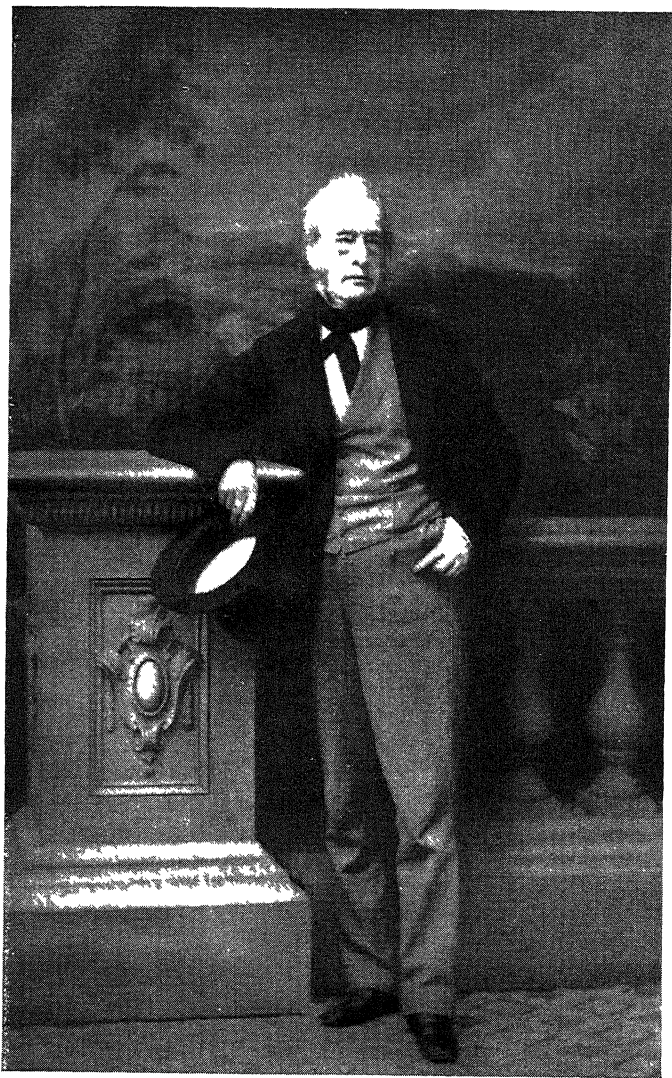
and the pleadings became far more flexible and practical. By such means the issues of fact to be tried were made clear and the case then assumed a position which allowed of its being tried on its merits. I started my career on this system and worked on it for a couple of years before the Judicature Act became law. I look back upon that system with respect, even with admiration. I have always thought myself that, with greater powers of amendment and stricter provision with regard to giving necessary particulars, it was as good a system as could be wished for. It was, beyond all question, a magnificent training for students. Under the Judicature Act pleadings were to consist in the stating, in ordinary colloquial language, the nature of the case, so as to give notice to the opponent what it was that he had to meet. This was greeted with a certain amount of relief in the profession because it struck some of its members that it made a pleading so easy that all that was necessary was to jot down a lot of disjointed facts, without having seriously to consider the legal nature or aspect of the cause of action.

This was a grave error. Such a mode of pleading would not have been possible under the old system. In drafting what was legally styled a "declaration" or a "plea" the pleader must have thoroughly understood and appreciated this before he started to put his pleading on paper. Thus it was that for some time after the change the pleadings became prolix, verbose and of such a character as not to convey to the ordinary mind what was the issue which it was intended to raise.

I look back with some reverence, even with some degree of affection, to that bulky but informative textbook, *Bullen & Leake on Pleading*, which was not only, like

Solomon Gills in *Dombey & Son*, "chock full of science," but proved to be, in fact, "my guiding star."

Tom Chitty was one of the principal special pleaders at that time, and a man held in high honour in the profession. A special pleader being one who undertook the drafting of pleadings, the attending the necessary summonses and advising on matters of law; though he never appeared in court or undertook any of the duties of a barrister. Tom Chitty was then quite an old man, who had practised as a pleader some forty years or more, and knew the art of pleading out and out, if anyone did. I entered his chambers before the new system came into operation and after a very short time I began to appreciate that pleading was an art in itself. The position of the pleaders then existing, having regard to the impending changes in their position, was a precarious one; so that I found but few pupils in his chambers when I first went there, although, I believe at one time he had had as many as twenty. This was the first I had ever heard of the name of Chitty. I got to know that name well, as I did the names of Pollock, Mellor, Coleridge and Denman. More especially do I remember Tom Chitty's son, known as Joe Chitty, and later a most illustrious and deservedly popular Judge. He was very much of the type of Bob Romer, a really "good sort." I have cause to remember him because he always took a real and lively interest in my own career. Members of these families wellnigh flooded the law courts, not only at this time, but at all times during my career at the Bar. They were always to the front and they also had the good fortune to secure by their merits, nice jobs, sometimes judges', sometimes masters', and offices of a like character. One of the latest of the Pollock



The Chief Baron Pollock -

family who enjoyed that success was Edward Pollock, one of the most popular men in the profession.

He had been on circuit with me, and was making his way when he was stricken down by a terrible visitation which required an immediate operation. This happily proved quite successful; except that, as a result of it, his voice became so hoarse as to render it impossible for him to continue his work at the Bar. He was eventually made an Official Referee, a post which he filled for many years to the entire satisfaction of the whole profession; and, upon his retirement, the Bar of England signalled the occasion by giving a dinner in his honour, which was attended by a large number of judges and members of the Bar.

But he was not the last of the Pollocks. The name is still famous in the profession by the presence of Lord Hanworth, the present Master of the Rolls. He was also a member of my own circuit, and remains, I am glad to say, one of my valued friends.

I should draw attention, at this place, to the intimate and close relations which existed between my father and many of the illustrious members of the Bench; amongst others the Denmans, Pollocks, Campbells and Chittys. The Chief Baron Pollock, the progenitor of many Pollocks, whose fame in the profession is still recorded, was a particular friend of his. He survived my father and on the occasion of my father's death, in a letter he wrote to Forster, he alludes to "the death of one of the most distinguished and honoured men England has ever produced: in whose loss every man among us feels that he has lost a friend and an instructor."

A still closer and more intimate friend was Serjeant

Talfourd, afterwards Mr. Justice Talfourd, who was himself an author of no mean order.

Old Tom Chitty, I remember, gave me a little lesson one day which I never forgot. We had rather a difficult set of pleadings to draw, and I drew one which I prided myself as being "quite the thing." Chitty used to be in the habit of calling us into his room and showing us our drafts as altered by him. When he called me in on this occasion he said to me: "Dickens, how long did you take over that draft?" I, mightily pleased with myself, answered: "It took me quite an hour." "Oh!" he said, and showed me my draft simply cut to bits. "Well," he said, "you know I have been at this job all my life. How long do you think it took me? Well, it took me just an hour and three-quarters."

I never forgot that lesson and took care that my pupils should bear it well in mind. I got my own back upon the old man, however, a little later. It was after I had been called a short time when a pleading came into chambers drawn by Tom Chitty, with which I had to deal. I promptly took out a summons to strike his pleading out as being bad in form; and I got an order against him that the pleading must be struck out or amended. The old man was simply delighted. He chuckled with joy at having been caught "napping" by his own pupil, and I did not hear the last of it for some little time.

On leaving Chitty's chambers I became a pupil with W. G. Harrison—"Devil Harrison" as he was called. He had a big practice, but it consisted, to a large extent, of very heavy arbitrations, so that my time with him was of little value. He was a very nervous and irritable kind of man and, when in a state of excitement, he would scratch

himself all over, and if you gave him an authority which you thought in point he would not hesitate to throw the book right to the other end of the room. Moulton—afterwards Lord Moulton—was then in his chambers. Later in life I got to know Moulton very intimately, not only as a judge but as a private friend. He was really more of a great scientist than a great lawyer. He was a man of wonderful brain power and quickness of perception.

Under the Judicature Act the legal position was entirely revolutionised. It is not necessary to speak of this at length. Barristers know all about it and most laymen have a good idea of what is meant.

The substance of it was this: that whereas before the Act there were three separate Courts of the Queen's Bench, Common Pleas and Exchequer, and a Court of Appeal (which consisted of judges taken from all three courts), these courts were all abolished and amalgamated into one court, called the High Court of Justice, divided into certain Divisions, while a separate Court of Appeal was created, containing six Lords Justices totally distinct from the judges of the High Court. Pleadings and so forth, as I have already stated, were absolutely and entirely changed in form and substance.

Although the Act was passed in August, 1873, it did not come generally into operation until November 2nd, 1874; the courts did not leave Westminster until 1881, when they were opened by Edward, Prince of Wales. During the intervening period several cases were tried at Westminster which attracted general public attention. In the first place there was the Tichborne Case, which not only held the attention of the English people but wellnigh of

the world. It was, it will be remembered, a trial at Bar before three judges, Lord Chief Justice Cockburn, Mr. Justice Mellor and Mr. Justice Lush. It is, of course, quite impossible to say much with regard to this stupendous and lengthy trial. I must content myself with relating one incident which occurred in the course of it. But before doing so I should like to give my impressions of the three judges who were engaged for months and months in this never-to-be-forgotten trial.

Lord Chief Justice Cockburn presided. He was particularly remarkable in this respect, that, while being quite a short man, with a large head and great expanse of brow, he was the most dignified and the strongest personality I have ever seen on the Bench. History has long since marked him out as one of our greatest Chief Justices, and he used to fill my young mind with admiration. He was a great favourite in society and was wont to give most delightful musical parties in his house in Mayfair, which I had the pleasure of attending on several occasions.

Mr. Justice Mellor was of a different type. He was well-known as being a great lawyer and was held in high regard. He was a somewhat heavy man in body and mind for I should not call him by any means a quick judge. He was the head of a large family who, as I have already intimated, have kept the name famous even to the present day.

Mr. Justice Lush was altogether different, both in mind and body, from either of his brethren; slight in build, quick and alert in manner, with a keen intellect and a master of the Crown practice. He was most kind to me, for I had struck up a friendship with his eldest son at Cambridge, who became a county court judge and

who is now known as Mr. Lush Wilson. I always look back with real pleasure to the hospitable welcome which was always given me at their house in the Avenue Road, St. John's Wood. There can be no doubt, I think, that the Chief Justice owed much to him not only during the preliminary stages of the trial but still more so in the arduous task of comparing the evidence and preparing the charge to the jury, which must have been a heavy and most formidable task.

Henry Hawkins, Q.C., and Serjeant Parry were leading for the Crown and Dr. Kenealy (that most hopeless and trying of advocates) for the claimant; and the incident I am about to relate was told me by Sir Henry Hawkins himself, some time afterwards, when he was a judge.

It appears that the two leading Counsel for the Crown had arranged to cross-examine the witnesses in turn, as they were called. On one memorable day a woman, about whom the Crown knew absolutely nothing, went into the box and told a startling story, strongly in favour of the claimant. Her evidence was of the utmost importance, and had to be seriously dealt with, and their difficulty was that they were not in the least prepared for it, and they had absolutely no material for the purpose of cross-examination. It is important that I should add that on the rising of the Court that day there was to be an adjournment for a few days before resuming the case. The time came for her cross-examination, a task which fell to the lot of Hawkins himself. The adjournment for lunch arrived, and after lunch the cross-examination had to commence. Hawkins began with great skill, trying to feel his way, fencing for an opening. This went on for a little time, till Cockburn began to get a bit restive, and kept looking up

at the clock. Hawkins, without taking the slightest notice, continued his cross-examination. "Mr. Hawkins," said the Chief, "time is getting on." Still Hawkins proceeded, Cockburn becoming more restive, until about three o'clock when the Chief said, "Mr. Hawkins, we are wasting time." Down sat Hawkins, in real or apparent indignation. "This is the first time in my career that I have been accused of wasting time." A long pause. "Proceed Mr. Hawkins." "I will not proceed"; and nothing would induce him to proceed, with the result that the Court had to adjourn. By the time the trial was resumed in the following week, the Crown advisers had found out all about this woman's record, and her story was utterly smashed. One has often heard the expression "playing for time." Never, I suppose, was it more effectively done than on this occasion. I have often asked myself the question why he did not apply for an adjournment of his cross-examination. I can only account for this on the supposition that he did not want the Court to know that they had been so completely taken by surprise.

I shall have to mention Mr. Justice Hawkins again later on; but I should like just to say a word about Serjeant Parry. He was a notable man in his day. He enjoyed a wide reputation; but he was rather inclined to be of the "Buzfuz" type, which was quite the fashion at that time. He was also a bit of an actor (most successful counsel are), and he played a little bit for effect. He was a big heavy man with very bushy eyebrows. Whenever it came to his turn to rise and cross-examine a witness, he did not jump up with the alertness some counsel display. No, no; his rising from his seat was far more impressive than that. He would allow a minute or two to elapse; he would look

round the court; he would whisper to his client; his eyebrows would come down and then slowly, very slowly, he would rise and confront the witness. He was a very fine gentleman and, in his own way, a highly successful advocate and one of the old school.

We were not to forget the Tichborne Case for many a long day. This was the result of the cross-examination of the claimant by Lord Coleridge in the civil proceedings which led to the criminal charge. His cross-examination was crushing. He had ample materials. The real Tichborne, whom the claimant claimed to be, was a man of education. He had been brought up in a good school and was well acquainted, not only with the ordinary things that a schoolboy would know, but was apparently, well grounded in the classics. The claimant, on the other hand, was the son of a butcher in Wapping and was quite illiterate. He had but a poor chance, therefore, when confronted with a scholar like Lord Coleridge. When a question was put to him to which he gave a hopelessly wrong answer Coleridge would ask him in his silvery voice: "Would you be surprised to hear?"—a kind of repartee which continued during the whole of the cross-examination.

"Would you be surprised to hear" became a byword in the profession, and was adopted by counsel for a long time afterwards, and to such an extent that, after a time, the Bar began to be rather weary of it. Indeed, it still crops up even now. I have met with it quite recently at the Old Bailey; but it has met with no encouragement from me.

Lord Coleridge was a singularly polished man and, besides being a great lawyer, was a cultivated scholar. He

was called "silver-tongued" on account of his quiet and refined mode of speech. He was apt to be satirical; sometimes, I used to think, rather more than he need have been. Above all, he prided himself on the correctness of his language and could not stand a false quantity. He pulled me up on one occasion for being guilty of making use of one. I was appearing before him at Lewes Assizes, in defence of a man who had been brought back from abroad to take his trial under an extradition warrant, and when I stated the fact I used the expression that he had been *extradited*, laying emphasis on the penultimate syllable. "*Extradited*, I think, Mr. Dickens," he interposed, accenting the "a." "If your lordship pleases." Of course, he was strictly right; but I venture to think that it was just a little bit pedantic, for I believe nine men out of ten would have pronounced it as I did.

I should have thought that Coleridge would have been the last man to make a "pun," and I was, therefore, somewhat surprised to find upon reading some reminiscences by Mr. Francesco Berger (a well-known musician and a great friend of my father's) that he had been guilty of that offence. Like Cockburn, C.J., Coleridge was a great amateur of music and one who loved the old masters better than the new. Speaking one evening at a public dinner he said: "Even in music there is variety of opinion: some loved their Bach often; while others preferred their Offenbach."

CHAPTER III

My first Case: Douglas Kingsford: Kelly, C.B.: "Do I know Julius Caesar?": A Story of Baron Bramwell: "The Judges Sitting on Papa": A Story of Lord Hannen: The Case of Bert v. Lawes: Whistler v. Ruskin: Sir John Karslake, Q.C.: Three Great Cross-examiners: Serjeant Ballantyne: Benjamin, K.C.: Defects of the New Law Courts: My Marriage.

DURING this time I argued a case myself, the first of its kind. It was one of considerable importance, which made a great stir in the agricultural world. The action was one for trespass and wrongful conversion of a quantity of sheep, under the following circumstances. The plaintiff, a farmer, had agisted a number of sheep on a certain field which was let to a tenant. The landlord of the field allowed his tenant to get five years in arrears with his rent, and ultimately put in a distress and seized the sheep when lawfully grazing on the field for the whole amount of the five years' arrears. The plaintiff, the owner of the sheep, having an inkling of what was about to take place, sent his shepherd to drive the sheep off the land before the distress could be effective. So it became a race between the shepherd and the bailiff, the bailiff having this advantage, however, that the seizing of one article on the field was considered in law a seizure of the whole. The plaintiff thereupon brought an action for trespass and conversion and also for charging excessive expenses of the

distress. Douglas Kingsford, a very rising member on the Home Circuit, appeared for the plaintiff and I had what was really a nominal brief with him, while Finlay, Q.C. (as he then was) and Bray were for the defendant. There was a great outcry among the farmers throughout the country that a man should allow a tenant of his to get in arrears of his rent for five years and then seize cattle or sheep lawfully agisted on the land for the amount owing for rent; and, as the case was tried in Maidstone, the jury were likely to be half in favour of the plaintiff, as they proved themselves to be, for they found for him on the basis that the sheep had been successfully driven off the land before an effective distress had been levied and (very luckily for the plaintiff, as it afterwards turned out) they found a certain sum on the claim for excessive charges. The defendant appealed and the appeal came on before the Chief Justice Cockburn, Lush, J., and Archibald, J. The defendant's case was a strong one, for it was obvious that the jury's verdict could not be upheld on the facts, and, as bad luck would have it, Kingsford was unable to attend and it was left to me to support the findings.

It was my first argument. I suppose I had not then been called more than three or four years and I had what was in reality an unarguable case. The Court were most kind and considerate and only too anxious, if they could, to find for the plaintiff. This, they found, they could not do, but they took care that substantial justice should be done. They decided, therefore, that there must be a new trial, but on the conditions that the defendant should not be allowed to amend his defence by pleading any payment into Court in regard to the claim for overcharges, and, further, that the cost of the first trial should abide

the event of the second. This decision put the defendant into a hopeless position, and a reasonable settlement was arrived at. The result of the trial was that the law of distress was radically altered very soon afterwards.

Poor Kingsford! He was a very "coming man"; but he died quite suddenly, leaving his wife and children altogether unprovided for. But the profession showed their liberality and their feeling for him by subscribing as much as £3,000 for the widow and children, in addition to which a grant of £50 a year was made to the widow by the Barristers' Benevolent Society—a great tribute to his memory.

It was also at Westminster that I had a little brush with Chief Baron Kelly. He was somewhat stilted in his formal way of speaking. He went by the name of Apple-Pip Kelly, a nickname which came to him in consequence of a defence of his in a poisoning case. He was well on in years and became very sleepy after lunch.

I was arguing a case of what we lawyers call an "estoppel," which, broadly speaking, means that a man is debarred from setting up a case which is totally opposed to his own words and actions, with a view to get some advantage to himself. The defendant, it appeared, had written a letter in which a certain state of facts was set out as being the truth but which turned out to be false, and had handed it to a third person to show to another that he might act on it, which the other person did to his detriment. In the course of the case I put my argument this way: "My lords, if a man chooses to put a weapon of this kind into another man's hands——" "Stop, Mr. Dickens; stop a minute. I have heard of no weapon in this case." "It was a metaphor, my Lord." "Mr. Dickens,"

said Kelly very slowly and solemnly, "a celebrated member of your family was very skilful in metaphor; but I do not think it will assist us in a court of law."

I joined the Home Circuit shortly afterwards, and when I joined it at Maidstone the Leader of the Circuit introduced me to Kelly, who was one of the Circuit Judges, when we dined at Judges' Lodgings. He introduced me thus: "My Lord, I want to introduce you to Mr. Dickens, a newcomer. You know; a son of Charles Dickens." "Charles Dickens! Do I know Charles Dickens?" said Kelly with great emphasis. "Do I know Julius Caesar?" He was a kind old man, but rather a difficult judge to argue before. He was so very slow.

There is another case in which my parentage was alluded to by that very great and lovable old judge, Baron Bramwell. When addressing counsel Bramwell had a peculiar habit of pointing his forefinger at him to emphasise what he was saying. In course of time I got used to that forefinger and began to think something must be wrong if I did not see it wagging at me in the usual way. On the occasion to which I am referring, much later in time, I was arguing a case in the old Chancery Court of Appeal before James, L.J., Bramwell, L.J. and Bagallay, L.J., a weighty tribunal in more senses than one, for they were all three big and heavy men. The question I was arguing was a point of great practical importance at the time, namely, as to whether a man who had lost his money through the crime of another could sue him at common law before putting the criminal law in motion against him. My leader, Mr. De Gex, an old bankruptcy lawyer, had left the case for me to argue. My wife had come into court to hear the argument, and, being some-

what alarmed at the manner in which the Court fired questions at me, she had told the children when she got home how the judges had been "sitting upon their papa"—a heavy physical load for me to bear! This opened up a new sort of game in which the children sat upon one of their number, the game being called "The judges sitting on papa." In the course of my argument I quoted the opinion of a very well-known judge, Baron Alderson. "Who did you say?" said Baron Bramwell, pointing his finger at me. "Baron Alderson, my Lord," I answered. "No, you did not," said he, "you said Baron Anderson. How would you like me to call you Mr. Dickinson?"

I do not suppose that there is any judge in the annals of the law whose name is held in higher admiration and esteem, both as a judge and a man, than Lord Hannen. He was not only a profound lawyer but he was peculiarly adapted to his particular work in the Divorce Court. No man could have been more dignified or more scrupulously fair. He was moreover a careful guardian of the strictest propriety in his Court, which has, from its very nature, many unpleasant and even revolting details to be dealt with. He was fortunate in having in his Court a leader like Mr. Inderwick, Q.C., a man in many ways resembling himself in character; a man of the world, of a striking presence and an admirable self-restraint.

I was appearing before Hannen and a special jury on one occasion, in a divorce suit in which I was acting for the co-respondent. The co-respondent had given his evidence and I was about to address the jury on his behalf when the foreman of the jury interposed and told the judge that they were prepared to find a verdict for the petitioner; upon which Hannen, leaning over his desk,

said to me in his delightfully pleasant way: "Mr. Dickens, do you think you can succeed in persuading *thirteen* men?" "My Lord," I said, "I do not propose to try."

Before passing away from the Courts at Westminster there are two jury cases which are well worthy of being recalled. They were both connected with Art—one with the work of a sculptor, the other with that of a very well-known painter.

Belt v. Lawes is the first. It is almost impossible to reproduce the popular excitement which this case aroused. It was a matter of common talk wherever you went. Belt was a sculptor who was the author of several important works, for which he had gained a considerable reputation. Lawes was also a sculptor. The action was for libel; the innuendo in the libel being that Belt was a "charlatan"; that he put himself forward as being the author of these works whereas the real sculptor was a Belgian named Verhyden. The defence was a justification of the libel. Sir Hardinge Giffard (afterwards the grand old man, Lord Halsbury) led for the plaintiff and Sir Charles Russell, Q.C. (as he then was) for the defendant. I felt a great interest in this case at the time because, in the course of it, I had made the acquaintance of Verhyden. Belt was naturally submitted to a very severe cross-examination; the issue being made quite clear by the first question which was put to him by Sir Charles: "What is a sculptor's ghost?"

We are all fairly cognisant of the fact that some of the old masters had pupils who may have themselves had some little share in a great painting or a great statue; but the charge here was that the real artistic work was that of the ghost, and that Belt's share was but of little or no value.

The interest of the public was aroused in the course of the defendant's case. One of these busts was that of a man then living, which was admittedly a genuine work of art; and it was suggested by Mr. Justice Huddleston, who tried the case, that Belt should have an opportunity of himself reproducing this bust so as to enable the jury to form some judgment by a comparison of the two. While the case was proceeding, therefore, Belt was shut up in a room upstairs with the subject of the bust, and reproduced one with his own unaided hand.

Then came the amazing sequel. The bust so made by him was produced in court for comparison with the original, and artists and sculptors were called, one after the other, and gave as their unanimous unqualified opinion that the two busts could not possibly have been the work of one and the same hand, and that, while the original bust was really a fine bit of work, the second was poor both in design and execution and was of no artistic value whatever. The greater part of the Members of the Royal Academy, beginning with Leighton and Millais, followed by a host of others, painters and sculptors, gave evidence to this effect; and, though closely cross-examined, did not waver in the view they had formed. The twelve "good men and true," however, came to a different conclusion, and they found for Belt with £5,000 damages. It was a great triumph for Sir Hardinge Giffard. The experts were entirely ignored and the jury would not allow themselves to be influenced by any of them in the slightest degree. There were applications for a new trial, which terminated by the damages being reduced to £800 or thereabouts.

The next case was one in which Whistler, the well-known painter, brought on action against Ruskin for a libel

contained in a criticism on Whistler's work. This again was a case which created a great stir in the world of Art. There are two admittedly great works of Whistler's well-known to the world; one was the portrait of his mother, and the other a portrait of Carlyle, besides his black and white work, which was generally admitted to be quite pre-eminent. But there was another side to his work. He painted pictures which he called sonatas, cantatas, nocturnes and such-like names, blazing with a mixture of colours of all kinds and painted in such a way as to make it very difficult to discover which was top and which was bottom. Ruskin's criticism was broadly to this effect: that "he charged 300 guineas for flinging a pot of paint in the public face."

There is one particular picture of Whistler's which I have myself always regarded as one of his best, and that is the view of the River Thames in Battersea Reach. I happened to be standing, as a mere observer of the trial, quite close to the jury box, when this picture was handed up to them to look at; and this is what I heard: "This is really a fine effect of atmosphere," said one jurymen. "Do you think so?" said another; "it looks to me like a London fog." This is what you must expect to find, I suppose, among men of various walks in life when they are brought together as jurymen to pass judgment on a work of art. Whistler lived at the White House, Tite Street, Chelsea in those days, and for some years I was a neighbour of his; but though I knew him, I must frankly own I never liked him much; and he certainly did not shine much in his action against Ruskin, for the jury awarded him one farthing.

There are two other cases at that time which made a deep impression upon me in another way. One was a

cross-examination by Sir John Karslake, who was then at his very best. I have spoken of this great advocate in my chapter on "Advocacy." Why this particular incident lives so in my memory I really do not quite know; possibly because this was the first great cross-examination I had listened to. It was an action by Hepworth Dixon, the writer, against the *Pall Mall Gazette* for a criticism on his book *Spiritual Wives*, in which Karslake was appearing for the defendants with James, Q.C. (afterwards Lord James of Hereford) and Mr. Bigham (afterwards Lord Mersey). It was a wonderful performance, which continued all day long, and which was conducted in a spirit of gay banter and humorous disparagement of Dixon which carried everything before it; with the result that the jury either awarded the plaintiff one farthing or gave a verdict for the defendants. I cannot quite recall which.

Cross-examination is one of the most difficult tasks which Counsel have to perform. I know of three, in my time, who were super-excellent. One was Karslake, another was Serjeant Ballantyne and the third was the present Lord Carson; and I should put Carson (if he will forgive my bringing his name into this question) incomparably the first of the three. Ballantyne never struck me as a great speaker; but he certainly was a fine cross-examiner. I always thought his manner was not at all equal to Carson's, which always appeared to me to be far more effective. Nor had he that attribute which always made Carson so doubly effective; I mean the possession of a picturesque Irish brogue. This is the only exception to the rule I have laid down to myself not to criticise any living members of the Profession, whether judges or at the Bar.

There is just one other thing that greatly attracted me about this time. It was an argument put before a full court on the then vexed question of the "three miles limit" in the case of the *Franconia*. I mention this because of the name of the counsel who delivered it. This was Mr. Benjamin, an American, a remarkable man, who had been Attorney-General with Jefferson Davis, the President of the Southern States in the American Civil War. At the close of the war he left America and joined our Bar, into which he was cordially welcomed. His argument on this question filled the Bar, the public, and lawyers both here and abroad, with admiration. He was a profound lawyer and quite perfect in an argument on a point of law, though he was not so strong in jury cases. He has left behind him one of the finest standard textbooks, *Benjamin on Sales*, for which we of the profession, and out of it, owe him a debt of gratitude, if for nothing else.

When we first went to our new quarters in the Strand, in 1881, we found them far less satisfactory than we had expected. We missed Westminster Hall, into which all the principal Courts opened. This fact was of enormous importance, and the greatest possible convenience to everyone concerned; but in the Strand there was no such advantage. The courts opened on to narrow corridors where barristers, jurymen, witnesses, clerks and the general public jostled each other in a way which sometimes became a positive nuisance; while the great hall below was left comparatively empty—an ornament and nothing more. I have always understood, that in the original plans, as drawn by the architect, his design was that the courts were to open directly into the hall and the building was to have been approached by a fine broad flight of steps, as

is the case of the Palais de Justice in Paris. Economy, however, prevented the execution of this fine design, to the great mortification of the architect and the general inconvenience of the public. However, so far as I am concerned, I was destined to be in and out of these courts for forty years, and I have found no cause to complain of them or of anything that resulted from them in any shape or form.

On September 25th, 1876, I took my first real plunge in life by getting married and I have been swimming in calm waters ever since. My marriage is a matter so closely personal to myself that all I desire to say about it is to place it on record that this was a fortunate move on my part and that my wife has, ever since that day, been, in the truest sense of the word, "My guide, my philosopher and my friend."

I had by this time joined the Kent Sessions as well as the Home Circuit, but it was not until Douglas Kingsford died that I really held a command in session work. From that I soon began to get work on circuit, and so to work in London itself.

At the time I joined the old Home Circuit it was pretty well at its zenith. At my first Maidstone Assize there were at least seventy men at our Grand Night, while, in the case of the Summer Assizes at Kingston or Guildford, London solicitors used to set down their cases for trial months before in order to have them tried before the long vacation. We were there sometimes for three or four weeks on end, with two judges at work all the time. When I was junior I used to return to London weighed down with the amount of subscriptions I had collected in one or other of these towns.

CHAPTER IV

Circuit life, its great importance: Its Law Officers: Stories of J. C. Mathew and Biron: W. Willis, Q.C.: "Old King Cole": The Colour Question: Lord Birkenhead: Smoking after Mess: Pat Murphy, K.C.: Stories of his Fatness: Lord Alverstone: Lord Russell of Killowen: Silent and Talkative Judges: Mr. Justice Wills.

ONE of my pleasantest, out of many pleasant recollections of my time spent at the Bar, is undoubtedly that which is connected with the social side of circuit life; one of my deepest regrets is its gradual and progressive decline as the years went by. In its halcyon days, circuit life was not only a most happy and interesting experience, but it formed an element in the early days of a young barrister's professional life of extreme value and importance. On joining a circuit, the newcomer found himself brought at once into close association with other men; he made friends quickly, and very soon found himself hobnobbing with the leaders—men who were old hands at the game and who thoroughly understood its methods and its etiquette. Little by little he began to appreciate what that etiquette required of himself, and to understand those things which, in the eyes of the Bar, are "not done." Watching the methods of the leaders, as he had the opportunity of doing, day by day, he soon began to be initiated into the ways of advocacy and to be conscious of its difficulties and dangers. This he could do far more readily and quickly on circuit

than he could do by occasional visits to the Law Courts in London. Above all, the circuit provided an inestimable advantage, which I put last but by no means least, of giving him that opening in the Profession which is essential to his success in the future. Alas! alas! That form of training has practically disappeared. Travelling facilities and various other considerations have entirely altered circuit life.

Even at the time when I left my own circuit in 1917 the South Eastern Circuit, by which name the Home Circuit was then called, was but a skeleton of its former self. During some years before that, at a time when I was the leader of the circuit, I used to go down to Maidstone expressly for the purpose of taking the chair on Grand Nights, to find but a mere handful of men present, for the railway journey permitted them in most cases to get back to town for the night. The same thing happened at Kingston and Guildford; while at Lewes many men, instead of dining at the mess, used to sleep at Brighton. What has happened in my circuit I understand has happened in others. In some of the large towns like Manchester, Liverpool and other places, it is true that there are many "local" men, men who practise there and have their homes there; but that does not tend to encourage circuit life as I knew it. Yes: that old circuit life has gone, I fear, never to be revived. But it is worth while my resuscitating it for a brief time by looking back on those days of long ago.

At my first circuit meeting, where, as I have said, there was a large gathering, a very unpopular member of the mess rose and complained to the leader, who was in the chair, that another member had called him a d—d cad!

The leader, after a short pause, said that he thought that the case would be met if the gentleman in question were to withdraw the word *d—d!* Curiously enough, the answer appears to have been quite satisfactory to the gentleman who had made the complaint. We, as in the case of other circuits, had our law officers, who had to undertake the prosecution of members who were arraigned on Grand Nights. If a member was fortunate or unfortunate enough to have met with words of praise in a public newspaper, or to have had his photograph published as an item of news, he was promptly prosecuted and was sentenced to supply the mess with a certain amount of champagne—an act of injustice it may be said in cases where this was done without the knowledge of the accused; but, after all, it was for the good of the mess, as a whole, as it kept up a good supply in the cellars, which were always maintained at a high degree of excellence. The two best law officers we had in my time were J. C. Mathew (afterwards the Lord Justice) and Bobby Biron, who became a police magistrate. J. C. Mathew had the almost unique distinction of having been raised to the Bench when he still wore a stuff gown. This was generally the course of things in the case of the Attorney-General's "*Devil*," but not in other cases. J. C. was, as is well recognised at the present time, one of our best commercial lawyers, and he had a very "*pretty wit*," although I used to think he was a little too personal sometimes in his allusions to members at the mess table. A story which he used to tell is probably well-known inside the Profession, but I doubt whether it is familiar to outsiders.

He was walking in Hyde Park one day when a man tried the painted bird fraud on him, in which the homely

sparrow, by a little skilful manipulation, assumes the beauties of a tropical bird. Approaching Mathew, the man, assuming an air of curiosity, said: "I beg your pardon, sir; but I have just found this bird. Can you tell me what kind of bird it is?" Mathew, eyeing his man without any change of countenance, replied: "Well, my friend; if there is any truth in the old adage that birds of a feather flock together, I should say it was a jail bird."

With regard to Biron: he was always amusing in an after-dinner speech, and was gifted with true Irish humour.

Besides our ordinary business we had other attractions on Grand Night. First of all there was William Willis, Q.C., who used occasionally to oblige the company by reciting passages from *Paradise Lost*, the whole of which he said he knew by heart. He was a strange mixture was William Willis. Beyond all question he was a profound lawyer; but he was just a little wanting in common sense and lacked sound judgment. He always believed in the truth of his case, however bad it might happen to be; and he was in the habit of addressing everybody as "my friend"—not as showing a friendly feeling, but in the same kind of spirit in which a Communist would address another as "comrade." He was very much liked in the circuit and if he had had just a little more stability he would undoubtedly have been raised to the High Court Bench. As it was he had to be content with a County Court Judgeship.

I was often called upon to give the company "Old King Cole," the old Trinity Hall song, and of one such occasion, in particular, I have the most vivid recollection. It was on a night when we had invited the two Circuit

Judges to dinner, and I well remember Henry James (Lord James of Hereford) being also there. It was a very hot summer night, and the windows, which looked upon one of the principal streets in Maidstone, were wide open. The song went with its usual swing, the audience being particularly effective in the chorus, which is one of the noisiest, and consequently the principal attraction of the song. The two judges threw themselves into the chorus with enthusiasm, while a large audience in the street outside appeared to enjoy the entertainment as much as any of us did. I have heard it hinted, however, that, in order to avoid observation, the judges took the precaution of leaving the hotel through the back door.

By a strange coincidence, the first case which came before the court next morning was an action for a nuisance. The nuisance complained of being a "sing-song" at a public-house, the noise of which had affected the nerves of a next-door neighbour. There was evidence to show that the noise was unbearable, that the music consisted, in part, of fire-irons being used as drum-sticks on tea-trays and of divers other means which were calculated to make the night hideous. Remembering what had occurred the previous night at mess, our feelings, while this evidence was being given in court, may well be imagined; the only impassive man in court being the Judge, who seemed to have complete control, if not of himself, at least of his countenance, which was quite devoid of all expression of any kind whatever.

At one time, when I was leader of the circuit, a question of great nicety arose, upon which there was found to be a very great difference of opinion: the question being one as to the eligibility of a "coloured" man for

election to the mess—or rather, I should say, as to the “desirability” of electing such persons as members of the mess. There was an Indian who offered himself as a candidate for the election which was to take place at Lewes Assizes. He was a Parsee, a type of Indian who has always showed loyalty to the British Crown; he was of good parentage; a perfect gentleman both in look and manner, and one against whom nothing detrimental could by any possibility be said except that he was “coloured.” Hearing that there was to be a strong opposition to his election on this ground I, with a few others like Mr. English Harrison, Fred Low (afterwards Mr. Justice Low) went up to Lewes specially to vote in his favour. In a private club I can understand that such a feeling of opposition might arise, but the result of his not being a member of the mess was a matter which directly interfered with his prospects of work, for the reason that in the Hall of the Bar Circuit Inn there was always to be found a printed list of the Bar who were on the circuit prepared to take briefs. But in this man’s case, if he was not a member of the mess, his name would be absent from this list, and his presence absolutely ignored.

The election came on in due course, when, in spite of the efforts of myself and those who thought with me, he was black-balled. It struck me, however, that this was far too large a question to be decided on a ballot of a few members of the Bar who happened to be at Lewes at the time, so I exercised the right that I had as Leader, to call a meeting of the whole circuit in London to consider the question. We had a large gathering present at that meeting, when the pros and cons were discussed; but I was startled and, may I add, somewhat disgusted, to hear one

member of the Bar give as his reasons for objecting to the candidate's admission that "we had won India by the sword and it should be made clear that we intended to keep it by the sword!" However, even in the face of such an inconsequent and dangerous form of argument as this, the Parsee was rejected by five votes. Thus the matter ended so far as the circuit was concerned. But the question arose in a far more direct and convincing form, when the same gentleman was black-balled for the Bar mess at the Central Criminal Court. In this case there was a direct injury done to the candidate. At the C.C.C. the members of the Bar attending the Sessions at the Old Bailey were entitled in rotation to what is called "soup," that is small briefs for the prosecution in cases which had not been taken up by the Treasury. In practice, these briefs had always been distributed among members of the Bar mess only, as distinguished from the members of the Barristers who practised at these courts. In this particular case therefore his omission from the Bar mess had in effect deprived him of his undoubted right to "soup" as a member of the Bar. This, I thought, was a real injustice, so I took up the cudgels in his favour and put the matter before the Attorney-General (F. E. Smith, as he then was). After considering the matter, he appointed Mr. Rigby Smith, K.C. (now the Judge), to look into the question. Upon the enquiry which followed, I attended on behalf of the Parsee, as a friend, of course, and, in consequence of a report made by Mr. Swift, the Attorney-General advised the proper officials at the Central Criminal Court that they were not justified in withholding these briefs from him so long as he remained a member of that Bar.

With regard to Lord Birkenhead, I have nothing to add to the general view which is entertained of him, namely, that he was one of the most brilliant men of his time in this country of ours. I can only recall one little incident connected with him in relation to myself. When he was still Attorney-General, I had an urgent message from him one day to the effect that he particularly wanted to see me at the rising of the court at his room in the Law Courts. On my way to this room at four o'clock, I thought to myself: "I wonder what nice little job F. E. is going to put in my way?" Alas! It appears that he had just bought a first edition of my father's works, and all he wanted from me was to satisfy himself as to whether it was a real first edition or not. Excellent as proving his admiration for my father; but with regard to myself—well! I can only confess that the interview was, shall I say? somewhat of a disappointment.

To continue my history of the Circuit. As some of the leaders, notably John Day, Q.C. (afterwards Mr. Justice Day) objected to smoking, a rule was made that it was not to start until nine o'clock; but at times, when Day was not present, the difficulty was surmounted in this way. A member would ask the Junior at about 8.30 a question in this form: "Mr. Junior, do you *make it* nine o'clock?" To which the Junior would reply: "I make it nine o'clock," and, as the ruling of Mr. Junior was without appeal, smoking began at once.

One of our principal leaders in my time was Pat Murphy, Q.C., a really great advocate, with endless tact and excellent judgment. He was universally popular, and he was certainly one of the dearest friends I had at the Bar, for he took a real interest in my fortunes and helped

me from time to time with valuable advice relating to the conduct and duties of counsel. He was a very fat man, I may say an extremely fat man; and he had a son even fatter than himself, who used to carry in his pocket a silver box which contained, not snuff, but sweetmeats, which he used to crunch in court throughout the day.

Pat Murphy could hardly escape having some good-natured allusions made in court from time to time with regard to his massive proportions. I remember two occasions on which I had the courage to have a sly dig at him. I was retained for the defendant in a right-of-way case, tried on Circuit at Maidstone, in which Pat Murphy and Mr. Bray (afterwards a judge) appeared for the plaintiff. The defendant, a farmer, admitted there was a public right for foot passengers but not for carriage traffic. Bray was a bit of a sportsman I remember and rather prided himself on it. We had a very pleasant fight and at last the time arrived for me to sum up for the defendant. I should add that the road in question was full of ruts and stumps of trees, and was well-nigh impassable. When I rose to make my speech I rejoiced to see that Murphy was present in his seat, looking fatter than ever, so I addressed the jury in this way:

"Gentlemen, you can have little doubt, I think, that the verdict should be for the defendant; and yet I shall be somewhat sorry for such a termination of the case, because, if you were to find that there was a public right of way for carriage traffic, we should soon have witnessed a very interesting sight. We should, very shortly have observed a coach and four driving down that road with my friend Mr. Bray on the box-seat and my learned friend Mr. Murphy (pointing to his recumbent body) *BLOWING*

THE HORN BEHIND." This was irresistible. J. C. Mathew, the Judge, a personal friend of Murphy's, sank back in his chair in a fit of laughter. The idea of Pat blowing the horn was too much for him. The jury became equally convulsed; and when I got my silk gown, which was very soon afterwards, the foreman wrote me a charming letter of congratulation in which he thanked me for the amusement the jury had derived from the right-of-way case.

On another occasion I was for the defendant in a case in which a well-known junior, Mr. Tindal Atkinson, was for the plaintiff, appearing alone without any leader. The nature of the case is quite immaterial for my story. We fought the case for part of a day, in the course of which the plaintiff's case had been rather knocked about. Next morning Pat Murphy got up in Court and announced to the judge that he was leading his friend, Mr. Tindal Atkinson. In the course of my speech at a later stage I said to the jury: "Gentlemen, yesterday I was fighting Mr. Atkinson alone. He had no leader. To-day he is supported by Mr. Murphy, Q.C. There must have been a serious consultation last night, at which I should have liked to have been present. Mr. Atkinson's client no doubt must have said: 'Things are going all wrong; something must be done. We want more weight!'" and I said, pointing to Mr. Murphy, "*now they have GOT IT.*"

Dick Webster (Lord Alverstone) was on our Circuit for some time before he became Lord Chief Justice. He had not the silvery polish of Coleridge, nor the stately dignity of Cockburn; but he surpassed them both in his extraordinary power of dealing with a mass of facts and reducing what was an apparent chaos into an orderly and

almost simple narrative. He, like his brethren, was also very fond of music and he used to sing himself, at one time. His manner was delightfully candid, and his courtesy to counsel unfailing.

There is one more Chief Justice whom I have not yet mentioned, namely, Lord Russell of Killowen. Lord Russell was one of the most striking personalities of his day. As an advocate he was wellnigh unrivalled. In the Parnell Commission he surpassed himself. He rose to the very height of advocacy, as I think was universally recognised at the time. But history tells us that a great advocate does not necessarily imply that he must therefore be a perfect judge. As a judge he was beyond question very powerful, but often, if I may say so, too dominating. He had not the persuasive power of Coleridge nor of a judge like Baron Huddleston. He took a far more positive and aggressive line. His dominating attitude was not infrequently resented by some of the jury. This was certainly so in one of the very last cases of importance which he tried, one which I shall mention presently as the "Vimbos" case. He was courteous to counsel, but sometimes rather quick and impatient in his manner; and he had an irritating way of tapping with his pencil on his desk while counsel was in the course of making a speech. He was a great lawyer and, in spite of these slight criticisms which I have ventured to make, he was a great judge, for the one object he ever had in view was to do full justice between man and man. He was, in short, one of the most remarkable and fascinating men that I can recall to mind; and I always regard it as a high privilege to have known him as a friend. Here again, as in the case of Romer, we all rejoice that his son, the

present Lord Russell of Killowen, has rightly taken so very high a place in the profession which he adorns.

Talking of the Parnell Commission, it was said of Mr. Justice Day, who sat with Lord Hannen and Mr. Justice Smith (popularly known as A.L.) that he never once opened his mouth during the whole course of that prolonged enquiry. I have often thought what a blessing it would have been if there were more judges like him in that respect. Talkative judges are somewhat trying, it must be confessed. Lord Esher, when in the Court of Appeal, was a great talker. It was difficult for counsel to get through an argument in the connected manner and logical sequence which he had laid down for himself. On the other hand, a very slow judge is more trying still. Lord Justice Vaughan Williams was an instance of this. He was abnormally slow and would insist on putting the drag on in a manner which was very disconcerting and troublesome to the Bar, as I think it must have been to his colleagues on the Bench. I am not suggesting for a moment that he was not a very capable judge, for he was a profound lawyer; but his methods were certainly embarrassing.

I do not suppose there ever was such a strong contrast in this respect as that which was apparent in the methods of two judges: Jessel, the Master of the Rolls, and Mr. Justice North, in the Chancery Division. The first, extraordinarily quick in the uptake and rapid and sound in his decision; the latter, sound in his conclusions but slow to a degree in arriving at them.

Looking back on the judges I have appeared before—and I do not think that there was ever any kind of friction between myself and any one of them—the judge whom I preferred above all others was Mr. Justice Wills. I

mean Alfred Wills, not Mr. Justice Willes, who was before my time. To my mind he was the perfect judge. I do not mean to suggest that there were not many greater lawyers than he was, but there was no one I liked more. He never talked, except when it became necessary; he was very attentive, very patient, quick and alert of mind and was courtesy personified. He was a terrible sufferer from insomnia, which made his patience still more remarkable.

CHAPTER V

I "devil" for Winch, Q.C.: A Story of Stephen J: A Story of the Maybrick Case: My application for "Silk": The qualities required: Mr. Justice Hawkins' kind action: His letter: The case of "Three Happy Maids": Two Cases of Insanity: Drunkenness as an Excuse: Sir H. Poland: Broadmoor Asylum.

IT was in or about 1879 that I began my work as "devil" for Mr. Henry Winch, Q.C. He was a most generous man to work for, his object being not only to help himself in his work but to assist me in getting a connection of my own. He was a member of my circuit, which proved a still greater advantage to me. The result of this was that my practice steadily and rapidly increased, so much so, that in 1880 or 1881 he presented me with my red bag, the usual indication that a man is making good progress. This continued until I took silk in 1892; after which I was fortunate enough to have got together a large and steady practice. I am not suggesting for a moment that I made anything approaching some of the stupendous practices of modern days. My practice was nothing of that kind; but it was in every way satisfactory and varied but little.

The time has come, I think, when I should explain the circumstances in which I attained my silk gown; but, before doing so, I should like to tell a little story of Mr. Justice Stephen, as showing the relations which exist between Bench and Bar and the innate fairness of the

judicial mind. I was appearing once before him, some time before the date of my application for silk, in an action for slander in the High Court. The plaintiff was a fish porter in Billingsgate Market, who had brought his action to clear his character from a charge which had been made against him by the defendant of stealing fish. He had been told by his employers that he must either clear his character or go. The result of the action was therefore of vital importance to him. The defendant's counsel did not suggest at the trial that the charge was true. He put forward a more specious and far more dangerous defence, which was that the words used were mere "vulgar abuse" and, as such, were not actionable. In a very clever and witty speech he made fun of the whole thing. "Billingsgate language!" "It means nothing." "Nobody takes any notice of Billingsgate slang." "Absurd for a Billingsgate man to complain of the vulgar language of Billingsgate" and so forth. He quite got hold of the jury, and, to my intense misgiving, I noticed that Mr. Justice Stephen was himself greatly impressed by the issue so adroitly raised. The man's future was really at stake. I had to destroy the unhappy impression which both judge and jury had obviously formed of the case as it then stood. In my reply I addressed myself more to the judge than to the jury. I pointed out that the charge had been deliberately made, not in sudden anger; and that a verdict for the defendant would damn the plaintiff for ever. It would be said of him in his future life that, having been charged with theft, he had brought his action to clear his character and that a jury had found against him. The conclusion therefore was inevitable, that the man was a thief. Knowing Stephen J. as well as I did, I could see that as I spoke he

was gradually coming round to my view, to the true view, to the only view which could be maintained by anyone desirous of doing justice. He summed up very strongly in my favour and, after the jury had given a verdict for the plaintiff, he sent me down a note to the following effect: *My dear Dickens, I cannot tell you how grateful I am to you for having prevented my doing what would have been a grave act of injustice.*

It was Mr. Justice Stephen who tried the case of Mrs. Maybrick. Personally of course I know nothing of that case beyond what is known by the general public, with the exception of one highly dramatic episode which was told me by his brother judge on circuit. He told me that, knowing as he did, that Stephen was a good deal worried over the case, he advised him strongly to get his summing-up completed that day once and for all and not adjourn it over night. Stephen however did not follow that advice. He summed-up all day, apparently in favour of Mrs. Maybrick, and adjourned the remainder of what he had to say till next morning. That night his brother judge had a somewhat startling experience. Early in the morning he was awakened by Stephen, whom he found walking up and down his room in a dressing-gown, saying as he did so: "That woman is guilty. That woman is guilty." He continued his summing-up next day, but in a manner which was altogether opposed to what he had said on the previous day. So marked and sudden was the change indeed that a crowd almost upset his coach as he left the court.

To come to the question of my application for a silk gown. "Taking silk" is a real risk, as all lawyers know. The qualities required of a King's Counsel are altogether

different to those which are needed in the case of an ordinary junior's work. I have known cases, as most of us have I suppose, where junior counsel in large practice have entirely failed as silks. The ordinary junior can enjoy a large practice without having all the necessary qualifications required of a leader; though he may from time to time have to take command of a case in the leader's absence. It is difficult to say in what this difference consists. There is just that something missing which it is not easy to define. A "Silk" must necessarily have the gift of speech; he must be a ready speaker, tactful, a man of the world, with a sense of humour, and one who possesses the faculty of seeing both sides of a question. It is an undoubted advantage too that he should have a good presence. This no doubt has been the secret of many a man's success; though I doubt whether this is at all essential, as I have known several instances of men who have succeeded who were by no means remarkable in this respect. Anyway, whatever may be the true nature or character of such difference, it is one which has to be taken into serious consideration by anyone who is thinking of making the plunge. So it was in my own case. My friends urged me that I was delaying it too long, and that I was letting my contemporaries get ahead of me. My answer was: "That is all very well; but the risk is great, and my family is large."

It was in this state of uncertainty of mind that I started my defence of a doctor charged with poisoning his brother, which came on for trial at the Central Criminal Court some time in the latter end of 1891. The prisoner lived with his mother and brother in Faversham. The deceased man, his brother, was a miserable wreck of a man soaked



The Author as a Q.C.
(from *Vanity Fair*)

in drink and drugs; loathsome in his manner and habits to those living with him. So hateful had he become indeed to both mother and brother, that they treated him unkindly, even brutally; a state of things which was well-known to their neighbours who, while being ignorant of the actual conditions in which these three people lived, resented the treatment meted out by the mother and brother to this wretched creature. Quite suddenly this drunken brother died, poisoned by an overdose of opium. Suspicion was at once aroused and there was a public outcry, not only in Faversham, but generally in the whole county. The prisoner, the doctor, was committed for trial to Maidstone on a charge of murder; the case presented against him being to the effect that he had deliberately put the dose of opium by the deceased's bedside, so that he might, when waking from a drunken stupor, drink the poisonous dose. In ordinary course the case would have come on for trial at the next Maidstone Assizes, at which Mr. Justice Stephen was to be the Assize Judge. In the end I applied for a postponement on the ground that we were not prepared to try at the Assizes at Maidstone which were imminent, and the case was ordered to be sent for trial at the Central Criminal Court, Mr. Justice Hawkins being the Judge. It is not necessary, in this place, to enter into the facts of the case as proved at the trial, which ended in a verdict of not guilty. I do not think the prisoner was ever in real danger, though he must have suffered terribly during the course of it, for when he was released from the dock his nerves were in such a state of tension that he tore madly three times round the building before he could calm himself and become normal once again. It is for what followed upon the trial that I attach

importance to this incident. In consequence of the serious nature of the charge and the strong feeling which had, not unnaturally, been aroused by reason of the conduct of the prisoner and his mother, I had to go into the case with some degree of minuteness; and I noticed, in the course of my speech, that Hawkins was listening to me with marked care and attention. I had hardly resumed my seat at the close of my address, when the judge sent me down a note to the following effect:

My dear Dickens,

You must apply for silk at once. I will myself see the Lord Chancellor.

Yours, H.H.

He was as good as his word, with the result that I was called within the Bar in February, 1892, almost immediately upon my application; instead of having to wait, as sometimes happens, for several months. In this matter Mr. Justice Hawkins did me a signal service. He had resolved my doubts and he had, of his own motion, not only suggested but supported my application. For this act of kindness I feel I owe him a real debt of gratitude, for he helped me to take a step of great importance in my career, and one which, I am happy to say, I have never had reason to regret.

He was a great sportsman was Hawkins and quite a popular public character, besides having many friends, both inside and outside of the profession.

On January 5th, 1899, upon the occasion of his being raised to the peerage and finally leaving the law courts, he wrote me this characteristic letter:

My dear Dickens,

Thank you very much for your kind thought of me with your congratulations and good wishes. Judging from the letters I have received from all quarters, and the gratifying opinions everywhere expressed, I might be excused if I fancied myself too good for this world. But I don't intend to depart hence to assume an angelic attitude for many a long day, though Court No. 5 can see me no more.

Ever sincerely yours,

H. Hawkins.

I ought to mention in this place, though really nothing turns upon it, that I had many years before been appointed Recorder of Deal, in 1884, from which town I had been transferred to Maidstone, in 1892, the Recordership of which I held for twenty-five years. From this time forward I was a busy man, not only on circuit, but in London as well, and my practice had the advantage of a mixed character, embracing as it did many different branches of litigation. Of the cases in which I was engaged many were, of necessity, dull, monotonous, and not worth while calling to mind; but there were some, on the other hand, which live in my memory as being amusing or interesting and it is such as these that I should like to recall.

To start with a humorous example I will give a short history of the trial of the "Three Happy Maids," a title which is quite justified by the facts.

Dramatis Personæ

THE COOK (with strong dramatic tendencies).

THE PARLOURMAID (very pretty and with a sense of humour).

THE HOUSEMAID (also attractive and with a strong sense of fun).

THE MISTRESS (very stiff and demure and with no sense of fun or humour and terribly narrow-minded).

Charge: That the three maids had stolen property belonging to their employer. Mr. Douglas Kingsford, for the prosecution; Mr. Henry F. Dickens for the defence.

The whole difficulty arose through a broken lock of a trunk and a dramatically disposed cook. So dramatic were the inclinations of the cook that she used occasionally to recite passages from *Macbeth* to her fellow servants in their bedrooms, having previously whitened her face with chalk and donned a towel in the shape of a turban round her head, which kind of make-up was the one the occasion apparently required. The dramatic cook had also been seen by a young policeman (not wholly blind to her charms) walking in the village dressed up in *her master's* clothes (thus anticipating the fashion at present prevailing among young women). The lock had been broken in transit. It was a lock of a trunk containing wearing apparel which had been despatched from the north to the mistress in her home in Kent. Upon its arrival at its destination, when the strap round the trunk had been loosened, it was found that the lock had been broken and the lid went up with a jerk, disclosing its contents. "Oh, my!" said the cook, her dramatic instincts quickly aroused. "Here's a lark! Let's dress up in missus's clothes." For this playful purpose they removed some of these clothes, which were afterwards found in their possession; but it must be noted that nothing was missing, nothing sold. It was in reality but a simple joke

for which they paid dearly, however, for they were put on their trial for theft.

Upon these facts my line of defence was quite clear. It was to make fun of the whole thing; and in this I received most invaluable assistance from the prosecutrix herself, for she was extremely dull and wholly unconscious of a joke, and looked upon the case with an exaggerated sense of importance. The wearing apparel was mostly of a description which is worn by the opposite sex, and whenever an article was produced I would insist upon giving it a wrong name, as purporting to show that it was part of a man's apparel and not that of the softer sex. For instance, a lady's nightdress became night "shirt," and many other "undies" (which I believe is the proper description of those mysterious adjuncts to a lady's attire that used not to be visible to the naked eye, though I am somewhat doubtful as to this at the present day) followed the same fate. All this time the three prisoners proved to be a capital audience; and so were the jury, as a matter of fact; for as the three girls laughed, which they did without cessation, the jury laughed too. We were, in fact, quite a happy family, with the exception of the mistress, who could see no sort of fun in what was going on and at that I am not in the least surprised. This happy mood continued until, in my speech, I began, like Mr. Silas Wegg, to "drop into poetry" and to become pathetic. This was too much for the dramatic cook: down went her head on the front of the dock: this was too much for the parlourmaid; nor was the housemaid altogether immune; and I am not sure that some of the jury did not wipe away a tear. Anyway, they were not long in finding a verdict of not guilty.

The whole thing was a farce. It was as clear as noon-day that there could have been no guilty intent, that it was but a foolish joke for which they ought never to have been prosecuted. And now comes the "grand finale" of the whole story. The dramatic cook came up to me in the hall after the case was over. She did not embrace me, though I was inwardly somewhat apprehensive as to what she might do; but this is literally what she said: "Oh, Mr. Dickens! we cannot thank you sufficiently for what you did for us. You could not have pleaded for us more if we had been on our dying beds." I leave my readers to solve for themselves this somewhat cryptic sentence.

The defence of insanity is often raised in the Criminal Courts, especially in murder cases. I am quite ready to admit that this occurs in many cases, simply because there is no other line of defence to fall back upon. But the working of the human brain is so inscrutable, and the facts in connection with the particular murder are often so improbable, and indeed so out of all reason in the case of a normal condition of mind, that the defence very often becomes one of paramount and vital importance. In such cases the questions which have to be considered are: What is insanity in the eyes of the law? and What is necessary for the defence to prove in order to save the accused from the consequences of the crime he has committed? Naturally in the course of my career I have met with several of such cases, two at least of which present features of great difficulty and intense interest. Let me take the first.

The Sheerness Murder.—The prisoner standing at the Bar pleads not guilty to a charge of murdering his wife. He is a coloured man, by no means repulsive to look at;

on the contrary, there is something attractive in the quiet tragedy of his face. He has a tube in his throat as though it had been cut, and the trial has to be postponed from time to time to allow of its being cleared. Being undefended, the judge asked me to defend him; for in those days there was no such thing as "legal aid," and the custom was for the judge in cases of murder to see that he was properly defended by some young counsel whom he felt he could trust. The prisoner's career had been a happy and successful one till tragedy supervened. He had spent his life in the Royal Navy and upon his retirement on a pension with as high a character as any man could possibly have, he settled down at Sheerness. He had a boy by his first wife, who unfortunately died some years before; and he married a second time. This was the tragedy of his life. She was a bad woman—a thoroughly bad woman. She drank to excess; went about with other men and used to taunt him with his black blood. He was patient and long-suffering; but his efforts to bring her to reason were unavailing and the happiness of his home was shattered. He had two girls by this woman, to whom he was devoted, as he was to his boy who at that time was somewhere about thirteen years old. All three children slept at the top of the house, and so, one dreadful night, they all retired to rest. In the middle of the night the boy awoke and found the house full of smoke. Getting out of bed, he went downstairs to see what was the matter; and, as he did so, his father, in his shirt-sleeves, and looking very wild, passed him on the staircase. Upon looking into the living-room, the boy found the room on fire, there was blood splashed on the floor and walls, and he found his stepmother dead and gashed to pieces, her

clothes ablaze. He was stooping down to see if the woman was dead, when his father, rushing in, seized the boy and tried to throw him into the fire. Twice the boy got away and at last managed to climb up on to a window-ledge and raise the alarm. Meanwhile the father had locked himself into his room upstairs where he was found later with his throat cut.

These were the terrible facts, facts which could not be contradicted. It was quite obvious to me what had happened. The woman had come home with another man, and in a state of drunken fury had taunted him with his black blood and goaded him to madness. I could not hint at such a thing, of course, as it supplied the motive for the act. Insanity was the only defence; but the mere ghastliness of the deed afforded of itself no sufficient evidence of insanity such as must be shown to justify such a defence in law. I had no solicitor or anyone else to help me, and I was at my wit's end to know what I was to do or say. I had seen the poor fellow in prison. He could not speak, by reason of the tube in his throat; and he was not very good at writing. I had previously asked the warder what kind of man he was: "The gentlest and kindest-hearted creature I ever had in my charge," was the answer. I felt it was no good my asking the prisoner what had happened. It was only too clear; so I put questions to him generally about his surroundings and asked him "on what terms have you lived with your neighbours?" He was a big strong man, but he broke down, and giving way to a terrible storm of crying he wrote down on a slate: "I never had an angry word with any one but my wife."

The story was indeed one which made me feel a deep

sympathy for a man who had been so tried. But again I asked myself: What is the defence? I was, in fact, almost in despair until the day before the trial, when the solicitor for the Crown, whom I knew personally, came to me and said: "Mr. Dickens, you have no one to help you in this case. I feel, therefore, it is only right that I should tell you something about this man's past. Do you know that he suffers from epileptic fits?" "Thank God," I said, "Thank God." My defence was now quite clearly marked out before me.

The trial took place at Lewes, where I happened to be staying with some friends of mine during the Assizes, and, in the evening before the trial, in order to get myself into a rollicking state of madness for my speech for the defence next day, I recited to them "The Madman's Story," out of *Pickwick*. There was much public sympathy for the poor fellow and I knew I was sure of help from the sympathetic doctor who was to be called for the Crown.

"Am I right in thinking," I asked him, "that the prisoner suffers from epilepsy?"

"Certainly."

"Of a serious nature?"

"Yes, very serious."

"Am I wrong in thinking that if an epileptic brain does not get the relief which a fit gives it, it may take the form of homicidal mania?"

"Yes: there are cases which justify such a conclusion."

"Thank you, doctor. I am greatly obliged to you. That is all I wish to ask you."

When I addressed the jury and drew attention to the character of the man, his love for his children, the awful condition of that burning room and the frightful state of

the poor body in the flames, I broke off and said to them: "Can you doubt that man was mad?" There were heads in the jury box nodding assent. That was enough for me and I sat down.

He was found to be insane in the end and was sent to Broadmoor Criminal Lunatic Asylum and a few weeks afterwards I went down to see him there. The tube had been removed, but he spoke with difficulty. Grasping me by the hand he thanked me and said: "It was a bad job; a bad, bad job."

They spoke of him there, as being still the quiet, gentle creature which he had always shown himself to be; but luckily for him he did not long survive and he died in the asylum only a year or two afterwards.

The law on this question as laid down many years ago in Macnaghten's case, by a full and representative body of judges, and which still remains the law, was broadly this: Every man is presumed to be sane until the contrary is proved. To justify a verdict of insanity the accused must satisfy a jury that, *by reason of disease of the brain*, he could not and did not appreciate the nature or quality of the act he was committing, or, if he did so, he did not, by reason of such disease, know it was wrong.

In this case, though there was epilepsy, there was no permanent or active disease of the brain; but can anyone doubt that he was for the time being, raving mad and quite irresponsible for his actions?

The Court Martial Murder.—The second case, in which I was briefed for the defence, was also one of deep interest as bearing on the same matter; but in point of law this was far more difficult of solution. In the case I have already quoted there was one important

factor which was absent in this one—there was the fact that the accused suffered from epilepsy, so that there was already some mischief to the brain. In the one I am now about to discuss there was no such factor. The case was this: The accused was a sergeant in the Royal Artillery, and for two of the hottest days of a very hot summer, some time in the 'eighties, was engaged in superintending the unloading of shells on the Island of Grain, somewhere about the junction of the Rivers Thames and Medway. It was an island without shade or water, and the sergeant was wearing a light forage cap, although some years before this he had had a sunstroke in India. Upon his return from work on the second day he was very flushed in the face and staggered badly in his gait and was in consequence reported by a fellow sergeant for being drunk when on duty. A court martial was held and he was convicted, had his stripes taken off and was reduced to the ranks. This finding was, as was subsequently demonstrated, entirely wrong and was a grave miscarriage of justice. On the evening of the court martial the accused, quite overcome by this frightful end to an honourable career, looked in to the sergeant's room and seeing the sergeant who had given evidence against him, got his carbine and fired at him, with fatal result, for the shot killed another sergeant who had had nothing to do with the matter in any way.

At the trial for murder which subsequently took place before Mr. Justice Manisty, the Crown was represented by that grand old criminal counsel, Sir Harry Poland. His knowledge of the criminal law with all its intricacies was wellnigh uncanny, and he appeared for the Crown in all their important cases. It was established at the trial

beyond all question that on the fatal day, the prisoner was suffering from the effects of the sun; and the learned judge, in the course of the case, told the jury that, whatever their ultimate verdict might be there was no doubt that there had been a grave miscarriage of justice at the court martial. My defence was, of necessity, one of insanity; and I had rather hoped that I should have had some help, or at all events sympathy from Poland. I was disappointed, for he fought hard against a verdict of insanity for, as a lawyer with an intimate knowledge of the law, he felt that he could not pass such an issue unchallenged. But the judge, deeply impressed by the fatal miscarriage of justice, leaned favourably on the prisoner's side, and he was acquitted on the ground of insanity. I was quite alive myself, during the trial, to the difficulty facing me; but that the jury came to a wise decision no one can doubt, though whether it was strictly accurate is another question.

There are many prisoners on charges of homicide who have gone to Broadmoor instead of the gallows by reason of verdicts of this kind; but, as the issue is really one of fact for the jury, such verdicts stand and are rightly acted on.

This principle has, of later years, been extended to crimes in which "intent" is of the essence of the crime, and where the accused have been entirely under the influence of drink. The point first came prominently before the Courts some years ago in a case where Mr. Justice Coleridge (not the L.C.J.) laid down the law that if the intellect of the accused was so "dethroned" by drink as to render his brain in such a physical condition that by reason of that state it was unable to function,

so as to make it possible for him to know the nature and quality of his act or to know that what he was doing was wrong, the jury could, if they liked, find insanity.

It had been argued that such a defence was not open to a man who, by his own act, had produced this effect upon his brain; but this argument was rightly not accepted. The point to be considered was what was in *fact* the condition of his mind; not how that condition was brought about.

Before I leave this subject, one word about dear old Poland. He was a great criminal lawyer, a perfect gentleman and a charming personality. He might have been a High Court Judge had he chosen; but his work at the Bar had been largely criminal; he was wealthy, he had no ties and preferred to remain at the Bar. He died at the ripe age of 94, I think it was; but he was not altogether happy at the last for, as he complained to me, he had outlived most of his friends and colleagues—and felt lonely.

He had a great sense of humour, as the following story will show. On one occasion he and I were opposed to each other in a Poor Law Settlement appeal at the London Sessions. At this time the presiding judge was noted for his pomposity, his self-importance and the arbitrariness of his manner to counsel and everyone else. On this particular occasion I was arguing my point with great difficulty, on account of a thick fog which had suddenly enveloped us, when, in a “booming” sound there issued from the judge’s lips the word “LIGHT!” ! !

No number of notes of exclamation can adequately describe the grandeur with which that word filled the hall. As the light was turned on, Poland, sidling up to

me, said in a whisper: "And God said: Let there be light; and there was light."

As I have already mentioned, I paid a visit to Broadmoor to sympathise with the two unfortunate men whose cases I have just been describing. It was a place well worth the visit, quite apart from the particular reasons which occasioned my going there.

In itself it is a handsome building with well-kept grounds and gardens, perched on the top of a hill overlooking a vast extent of picturesque country. In describing its interior economy I am, of course, dealing with it as it existed some fifty years ago or more. Speaking of it as I recall it then, I was struck by the sympathetic way in which the inmates were cared for and the kindly and humane way in which they were treated. For those inmates who were not in a dangerous state the grounds were free for them to roam in, though a diligent watch was always kept over them, for insanity has odd freaks and the most calm and placid of people may often prove to be the most dangerous.

There were large and airy common rooms for them to live in, with newspapers to read, and a community of intercourse which took away much of the monotony of their everyday lives.

Dr. Orange was, at this time, the head of the establishment, and he very kindly showed me over the house and grounds and gave me the history of several of its inmates, to some of whom he introduced me. He himself at a later stage was attacked by an inmate with a heavy stone, from the effects of which he eventually died. Three or four of the cases that I saw are worth recalling as show-

ing the different forms which insanity can take. The first of these was the case of a man named Dadd, who remained in that asylum for fifty years at least and died there. His story was a tragic one. Any tourist walking up to Cobham (the Cobham of *Pickwick* I mean), if they happen to go through the village of Shorne and skirt along the lane by the side of Cobham Park, will notice a stile leading into the park and close by it a pond. I know the stile well and the pond also. This spot was the scene of a terrible tragedy. Young Dadd, for he was quite a young man at the time, was an artist of very great promise. He was well on the high road to prosperity when he showed signs of brain trouble. He was ordered rest in the quiet of the countryside; and he was taken by his father to Cobham for complete quiet and freedom from work of any kind. Upon their arrival at the village inn (it may have been and probably was the "Leather Bottle" immortalised in *Pickwick*) the father secured his rooms, ordered his dinner, and went for a walk with his son in the park. They came to the stile I have mentioned and, as the father was getting over the stile, the son took a razor from his pocket, cut his father's throat and threw his dead body into the pond. He then disappeared, and it was some hours before he was found at large, in a state of raving madness. The facts were so clear that no trial was necessary. He was declared to be insane and was sent, after the necessary formalities had been gone through, straight to Broadmoor Lunatic Asylum. Dr. Orange told me his history at the asylum. Upon his first arrival he used to draw blood from his own arm and paint pictures of himself cutting his father's throat. He was given some red ink, which seemed to satisfy him,

with which he proceeded to paint other pictures of the same ghastly description. When I was introduced to him we had a long conversation on the subject of art. I was surprised at the clearness of his mind on this subject and the interest he took in it, for when I told him that I had many friends among the artists, he plied me with questions with regard to Leighton, Millais and other well-known artists of the day. To all appearances he was quite rational; but when the doctor showed me some of his wild pictures it became quite clear that his mind was hopelessly deranged. In those days the question of the release of inmates from the asylum in capital cases had become a difficult one; because Dr. Orange told me that the practice used to be not to allow such an inmate to be let out until the friends had satisfied the authorities that the inmate had recovered; whereas the rule had somewhat altered of late and the burden was cast upon the authorities of proving that the condition of the inmate was such as to require his continued retention—a very difficult question for them to determine. In cases of homicide naturally they had to be far more strict than in the ordinary case of a person charged with some lesser offence, in which a jury had found the prisoner guilty of the act but insane; and as a rule in a case of homicide it was rare for a lunatic to be discharged except under exceptional circumstances.

In Dadd's case, as in the case of many others, he was never in such a condition as to allow of his being set free into the world once again.

When leaving Dadd and while walking through the rooms, Dr. Orange and I were followed by an insignificant little man who kept on saying: "Doctor! Doctor!" I gather that the medical men do not encourage the lunatics

to talk, because it is generally some wild rigmarole or other which may excite them unduly, but in this case Dr. Orange said to this little creature: "What is it?" The answer was this: "Doctor, will you tell me one thing? Why is it that the Mediterranean Sea and all the comets come into my room at night?"

There was another very strange case of madness in which the inmate showed no trace of insanity of any sort or kind during the whole of my interview with him. He was an American with strong artistic tastes. He had a room of his own and his friends were allowed to give him presents in the shape of pictures or other *objets de vertu*. Before going further into this case I must digress for a moment to say that, during his last visit to America, my father had had given to him two very interesting books containing many views of the various battlefields in the American Civil War of North against South. I had often looked through these books at Gad's Hill and knew them well; but after my father's death they had been sold by public auction with the rest of his library. When I was shown into this patient's room and had been introduced to him by Dr. Orange, I found myself in a room full of various works of art and, amongst others, there was a large ornamental oak chest. I found the patient to be a man of pleasant manner and appearance, and he interested me on account of his apparent lucidity of mind. As soon as he gathered who I was, he said: "I think I have something which may be of interest to Mr. Dickens," and out of that chest he produced these two identical books of the American battlefields which I knew so well.

On leaving his room I expressed my astonishment at his apparently rational condition of mind. The doctor then

told me that at nightfall he often became abject with terror; his delusion being that there were creatures in the four corners of his room, who used to carry him through the air all through the night. This was a delusion which took complete possession of him and was apparently chronic, and no possible doubt could be entertained as to the abnormal state of his mind.

There was another case of madness in which the patient had invented a new religion, which was contained in a kind of pamphlet which, to please him, was pasted on to a window for him to see. There I found him absorbed in the contemplation of this mad production of his brain—for it was nothing but fantastic, ribald nonsense—with a towel twisted round his head like a turban.

There was also the literary madman of whom I have spoken elsewhere, who deplored the fact that a son of Charles Dickens should have such a small head; and lastly there was the case of a man who had shot at the Master of the Rolls. He was by far the most dangerous inmate of them all. Dr. Orange described him to me as being the most malicious-minded man he had ever met with. He had the reputation of being a distinguished scholar; but he could not be trusted, having regard to the incurable instability of his mind. So grave was his condition in fact that when I talked with him (and he talked clearly and rationally) I was surrounded by warders, who never left my side during the whole of my conversation. This interview, I should add, took place in his own room where he was apparently detained; and not like some of the others, at large in the house or grounds.

I remember one such case of apparent security outside Broadmoor in which one of the Lunacy Commissioners

was interviewing a very dangerous patient at one of the asylums, when another patient, who was apparently free from any kind of malice and who had the reputation of being quite safe, if not altogether normal, sidled up to the Commissioner and struck him down by a blow in the temple with a rusty nail.

But what lives most in my memory in connection with this visit was a *face!*—a face which haunted me for some time afterwards. It was the face of a woman who had only just been admitted into the asylum. She was lying in her bed with her head completely covered by her blanket. It was when Dr. Orange, quite gently, drew back her blanket that her face was exposed. It was a face filled with the utmost despair and a look of horror. It seemed to me as though she quite understood where she was and fully realised what it meant. It was a face in which fear and loathing were clearly visible. It was quite a relief to me when Dr. Orange gently drew the blanket once more over the poor creature's face and we passed on. The doctor said nothing about her. I do not know her tragic history, for tragic it must have been, nor did I ask Dr. Orange anything concerning her. I somehow dreaded doing so; such was the effect of that face upon my mind. It was a face to dream about and one which I can even now recall.

I should like at this point to break off my narration of the cases in order to introduce a chapter on that most important and living of all arts—"The Art of Advocacy." It was originally written for *The Empire Review*, the proprietors of which have kindly consented to its reproduction here.

CHAPTER VI

The Art of Advocacy: Its Duties and its Privileges

ADVOCACY is an art, and the most difficult of all arts. It has its rights; but it has its limitations and obligations which a sense of public responsibility imposes. It is highly honourable because, though as in all professions there are blacklegs, dishonesty at the Bar is exceptional because it cannot breed in such an atmosphere. It is further one of great difficulty, because it requires so many different and divers qualities of a high order. A lady, on one occasion, wishing to send her son to the Bar, asked two old judges what was the best qualification for the profession of an advocate. One of these judges, after some thought, replied: "Tact, tact, always tact." The other, without the slightest hesitation, said: "Stomach, stomach, my good lady, always stomach." As a matter of fact, both these learned judges were right.

To stand the strain which a large practice entails, an advocate must be strong, both mentally and physically, whilst on the other hand a man, though gifted with health and strength, is no good unless he has that power of persuasion, that faculty of "getting round" a nasty position by the exercise of what we generally call "tact," namely, a faculty of "seeing the other chap's point of view," and appreciating the middle course which the occasion naturally calls for, and being able to act upon it.

As an instance of the necessity for a man to possess the

physical power which will stand the enormous strain which a big practice entails, I quote as a case in point that of one of the finest advocates that I remember in my long experience of well-nigh sixty years. I allude to Sir John Karslake, a fine, handsome man, and to all appearances of iron strength. "Handsome Jack," he used to be called, and his powers as an advocate were beyond all meed of praise. At the time when he was Attorney-General he was entitled to continue his ordinary practice as a counsel in addition to his official duties. What was the result? At the end of his days I have seen him groping his way in the Temple, quite blind, and dragging a leg behind. There are many other instances of brilliant men breaking down completely from undue strain both on the brain and body. *A quoi bon!*

To pass to another subject. The public generally have the most vague ideas as regards the duties of counsel when acting for the defence of prisoners in the Criminal Courts. Ladies have often said to me: "How can you defend people whom you know to be guilty?" "My dear lady," I have answered, "how do I know he is guilty? Why am I to assume the prisoner's guilt? I may be entirely wrong. I am not there to judge him; but to take care that he is properly judged. A man is not guilty in our country unless he is proved to be so beyond reasonable doubt."

A short time ago one of the evening papers had a series of problems in the shape of quandaries for the readers to answer. One of such quandaries was to this effect: "Counsel is instructed to defend a prisoner who has, pleaded not guilty, but who, in the course of the proceedings, privately admits his guilt to his counsel. What shall the counsel do?" Many people answered this conundrum,

but no one seemed to recognise that there is a case directly in point.

Long before I came upon the scene a man named Courvoisier was charged with the murder of Lord William Russell by means of a stiletto plunged into his heart. He pleaded not guilty and was defended by a well-known Serjeant-at-Law, whose name it is unnecessary to mention. In the course of the trial the prisoner, quite unexpectedly, sent a note to his counsel admitting his guilt. This was for counsel's information and no more. The Serjeant at once sent a private note to the judge and asked: "What is my duty?" The judge answered him: "The man has pleaded not guilty before the court; that plea stands. Your duty then is obvious: to proceed with the case in order that it may be determined whether his guilt has been proved in law to the satisfaction of the jury beyond all reasonable doubt." No one can doubt the absolute accuracy of that advice. Unfortunately in that case the defence set up was such as to throw suspicion on some of the other servants in the house; and further the learned Serjeant, in the stress of advocacy, committed himself to a peroration which could not by any possibility be justified. It ruined his career and very properly; but the principle is beyond question.

To return to the essential qualities necessary for great advocacy. We have seen the necessity for tact and "stomach." There are other essentials quite as important. Good temper. I mean good temper; in fact an assumption of loss of temper and virtuous indignation is quite permissible at times, because an advocate should after all be a bit of an actor, so long as he keeps his acting within reasonable bounds. A sense of humour: this is wellnigh

the most important quality of all. A man who has a sense of humour has always far away the better of an argument when opposed to one who has none. An advocate need not be an orator in these days. Serjeant Buzfuz and his type disappeared from the scene long ago.

One of the most effective of all advocates in my time was Sir John Holker (afterwards Lord Holker). Somewhat heavy of build, with none of the flair of the advocate and with no tricks of speech, yet he won for himself the great reputation of being the "thirteenth jurymen," talking to them, as he did, as though he was sitting in the box with them and discussing the case as one of their body. It is impossible, of course, to generalise in these matters. There are cases in which a jury would be fairly swept off their feet by the impassioned oratory of a highly-strung advocate like Sir Edward Clarke, who was in my humble judgment one of the most effective, most high-minded, and most courageous of men who ever adorned the English Bar.

There are a few rules of conduct which should always be present to the mind of the advocate. They appear to be obvious; but what is obvious is not necessarily apparent to the human mind. Be courteous to your opponent and be polite but firm to your tribunal, whatever form that tribunal may take. Counsel is valueless unless he is courageous, and loses caste if he is rude. Never overstate your case in opening or you may have a fall. Your reply will come with crushing effect at a later stage. Take care not to "lead" your witness. It is not only a strict rule of law but absolutely imperative as a matter of expediency that his evidence should impress the tribunal as coming from himself and not as the mere prompting of his counsel. If

there is a nasty fact which the other side knows of, open it yourself courageously and take the sting out of it.

Be careful never to cross-examine a witness opposed to you as to his previous character unless you are certain of your facts; otherwise you may be doing him a grievous and irreparable injury. I remember a case where an elderly man of good position was asked if he had been convicted in the course of his life. He had to admit that he had been; and in doing so he completely broke down in the box. It appeared that the offence he had committed was when he was quite a young man, that his career had subsequently been beyond all reproach, and that none of his family had any knowledge of that slip in his life. The judge had some scathing words to say to the counsel who asked the question, which he never could have forgotten, and rightly so. Above all, have the courage to be concise. This, in my opinion, is the most important rule of all, one which every tribunal—lawyers or laymen—would gladly welcome; and it is far more effective. A weary reiteration of the argument of counsel bores the jury and leads them to the conclusion that counsel does not believe in his own case.

I have, as judge, often had occasion to pay a young man a compliment in court for his speech; but I have generally followed it up with a short note: "Capital speech, my boy; but far too long; far too long."

I was particularly careful to impress this question of brevity upon my pupils in consequence of an experience which happened to myself. I was arguing a case in the Privy Council when Lord Loreburn was Lord Chancellor. In those days the members of the Judicial Committee sat round a green baize table immediately below the

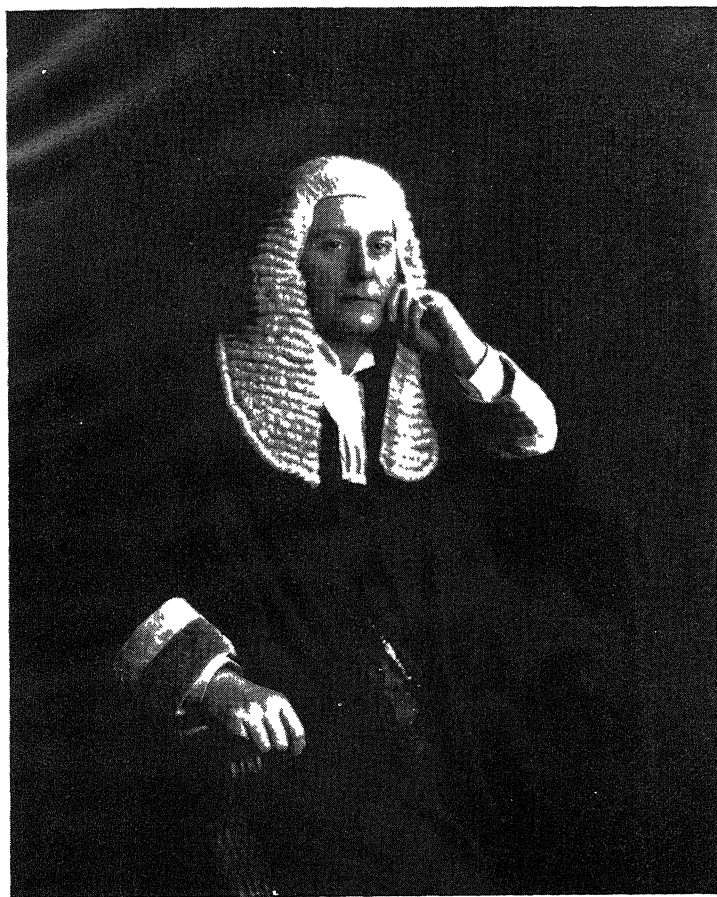
rostrum on which Counsel stood; and I could consequently hear remarks which passed from one to the other across the table. My opponent argued for fully three hours. I had one short point which I felt was a good one, and kept to that. I had not been arguing a quarter of an hour when I heard the Chancellor whisper to Lord Macnaghten, who was sitting opposite to him: "This is sound, is it not?" Lord Macnaghten nodded, after which I need hardly say I brought my argument to a speedy conclusion. Lord Loreburn, in giving judgment, said: "The Committee desire to express their thanks to Mr. Dickens for his able and *concise* argument."

That wonderful legal personality, Lord Russell of Killowen, the Lord Chief Justice, held the same views on this question; for, in the history of his life, which I was re-reading the other day, I came across the following passage: "Inaccuracy and being in the air were the things Russell hated most. The things he loved best were "accuracy, lucidity, brevity and keeping to the point."

Talking of graceful tributes from the members of the Privy Council, there is another case of this kind in which Lord James of Hereford was particularly happy. It was an appeal from Australia and the subject was the refining of molasses. It was a question of some difficulty and required considerable discussion. In delivering the judgment of the Council, Lord James said: "The Committee desire to thank Mr. Dickens for his '*very refined*' argument."

One more story of compliments from the Bench, though in quite a different form. On one occasion I was arguing a question in the Court of Appeal when Bob Romer (still Bob and always Bob) formed one of the Court. I forget

what the subject was about—I think it was a mortgage. Anyway, Romer took me in hand and pressed me hard in argument. I had finished my argument when the Court rose; but next morning I went into the court to ask my junior to lay stress upon a certain point. Romer recognised my presence with a smile and sent me down this note: “My dear Harry, like the parrot you had a ‘hell of a time’ of it yesterday.”



Lord Justice Romer

CHAPTER VII

*An Interesting Silver Flask: "The Seven Years War"
Motives for Murder: Tunbridge Wells Murder.*

I HAVE hesitated long before I made up my mind as to whether I should reproduce the story of a case which was by far the most startling and the most sensational one in which I was ever engaged. It was tried over thirty-five years ago and concerned the parentage of a child and an alleged conspiracy surrounding the circumstances of its birth. Thus far I can and indeed must go; for otherwise, those who remember the case and the stir it made (and there must be many who do so) might think it very strange that I should omit all mention of such a remarkable case as this one proved to be. On the other hand the person principally concerned in it may still be living for aught I know; and having regard to the length of time which has elapsed since that trial, it is my desire to avoid giving any unnecessary pain to anyone, which a detailed discussion of that case might be likely to occasion. For these reasons I shall pass it by without further mention.

I have in my possession a silver flask, a relic of the past, one which I value highly because it was presented to me by a grateful client upon the successful termination of a very long, stubborn and uphill litigation in which I acted for him as counsel. The inscription upon the flask is this:—

RECOLLECTIONS OF SIR HENRY DICKENS

H. F. DICKENS, Q.C.

FROM

H. C. RICHARDS, M.P.

24 Oct. 90 to 3 Nov. 97

£1000

Gratias Tibi

This inscription tells its own story. It may well be called "The Seven Years War," for the litigation extended over that period. The trouble arose out of the extraordinary, rash, nay foolish, conduct of my client, Mr. H. C. Richards, M.P., who was a barrister with but a small practice and closely mixed up in politics. He was, as will be seen, a Member of Parliament, and it was a matter of vital importance to him that he should retain his seat. It was in this state of things that the matters arose which led to this unfortunate litigation. The facts were simply these: Richards, on one occasion, had to go to Norway on some private business connected with a trust of which he was trustee. It appears that at this time a syndicate was in course of formation with a view to the purchase of some forests in Norway for the sake of the timber. One member of the syndicate, who was a friend of Richards, asked him privately if he would make some enquiries with regard to these forests simply as a friend and in no other capacity. Richards accordingly, when in Norway, acquired some information about them which he transmitted in due course. Nothing else transpired during this visit; but this was not the end of it, for the syndicate determined to proceed further in the matter. Richards was then approached and asked if he would go to Norway and negotiate for the purchase on their behalf. This Richards

agreed to do; but, with an amazing want of care, neglected to get from the syndicate anything in writing to show that he was merely acting as their agent. He accordingly went out to Norway and, after some negotiation, entered into as many as fourteen agreements for the purchase of forests, signed by himself in his own name. Each of these agreements however contained a saving clause, which was to the effect that the purchasers had the option at any time within a certain period, to declare that the agreements of purchase were to be null and of no effect; a proviso which Richards thought, and rightly thought, completely protected him; and so it would have done had it been acted on; but, as bad luck would have it, although due notice of cancellation was given by the syndicate in the case of thirteen of these agreements, in the fourteenth by a terrible slip no such notice was given; so that in that case there was an absolute unqualified agreement to purchase a forest for £13,000 signed by Richards himself. The owners of the forest thereupon made a claim on Richards personally for £13,000, a claim which the syndicate on their part declined to recognise. The position of Richards was apparently hopeless and the lawyers in Norway very soon put the law in motion in that country. They first of all insisted that the matter should be put before an arbitrator there, as was specified in the agreement. The result of this was that there was an award made against Richards personally for £13,000. They then, in accordance with the laws of their country, obtained a judgment in their courts for that amount and proceeded to pursue their remedy in this country, basing their claim, first on the agreement, secondly on the award, thirdly on what we call the foreign judgment.

The position of Richards was tragical. He could not pay thirteen thousand pounds. He had no capital of his own nor had he any means of obtaining any such sum. But to him the vital question was to avoid a judgment of any kind in this country; because in that case bankruptcy would have supervened and his seat in Parliament would have been at once vacated. The only course was to prevent any such an eventuality as that.

Poor Richards! While the owners of the forest still had the property in their hands to dispose of Richards had nothing whatever to his credit and had nothing in writing to show that the syndicate were the real purchasers. The only course left to us was to fight the people in Norway to the very end.

A claim on a foreign judgment opens up many technicalities; they were by no means expeditious in pressing their claim and we fought them at every point for over four years when they began to get tired of it and proposed that Richards should give them £1000 in settlement. This was accepted so that, so far as they were concerned, they did not do at all badly, for they had their forest and £1000 in addition.

An action was then commenced on Richards' behalf against the member of the syndicate who had originally put him in motion; and we eventually succeeded, after some litigation, in recovering this £1,000 from him. This is the £1000 of the inscription! *Gratias tibi!* It was a hard and by no means uninteresting fight and luckily Richards was not much out of pocket from it, because, being a fellow barrister in actual practice, I naturally followed and was glad to follow the ordinary rule of our profession to act for him purely as a friend; while his client the solicitor

treated him generously. But what beats me about the case is how a member of the Bar, a member of Parliament withal, could have acted with such an amazing want of care as was shown by poor Richards throughout the whole of this transaction!

In cases of murder, one of the principal features to be considered is the motive for the act. This may arise from many causes: revenge, robbery, jealousy, gain or the like; but I never remember a case in which the motive was so slight, so terribly slight, as that which inspired the prisoners in the Tunbridge Wells murder case. The two prisoners—I cannot recall their exact ages, but they were certainly both under twenty—were employed in a timber factory in that town. The foreman, a man without an enemy, so far as was known, was the murdered man. The tragedy was sudden in the extreme. He was having supper with his wife and children one evening when he was told that someone outside wanted to see him. He went outside and was shot dead where he stood. The crime was a complete mystery, the motive unfathomable. Weeks went by and all the efforts of the police proved to be entirely in vain. Some few months elapsed when a letter appeared in a local paper signed “Another Whitechapel Murderer” in which the writer purported to throw light on the tragedy. It had been brought to the newspaper office by a boy who in the end turned out to be a very important witness in the trial which eventually took place; but nothing followed upon this letter. The mystery was as dark as ever. Suddenly one day the Salvation Army were holding one of their religious meetings which included what they called

their silent confession, when the people knelt and silently confessed themselves to the Almighty. A very solemn and impressive ceremony! When this meeting had come to an end the Captain, who had been officiating, was told that there were two boys waiting to see him. They were the two prisoners who, without any premonitory warning, made a full confession that they were guilty of the murder of their foreman. The Captain was horror-stricken, and did not quite know how to act; so he wired at once to headquarters to ask what was his duty. The answer came back, the only possible answer, that it was his duty at once to communicate with the police. The boys were arrested and committed for trial. At the trial the point was taken by their counsel that their confession ought not to be given in evidence, on the ground that, though it was no part of their solemn confession, yet it followed so closely thereupon as really to form part of it. The judge who tried the case was a Roman Catholic who was of course fully aware of the fact that a confession made to a priest was in its nature and substance a Sacrament which bound the priest to secrecy; but that in this case no such obligation of secrecy could possibly arise. It was also pointed out that the evidence of the Captain was quite distinct and separate from their silent confession. The evidence was accordingly admitted, the boy who had taken the letter to the newspaper office was called to identify one of the prisoners as the person who had given him the letter to take there and the case against them both was proved up to the hilt. The two boys were terribly callous all through the trial, although I myself, appearing for the Crown as I did, was greatly affected by the sight of two young lads in the awful position in which they

stood. And what was the motive? It was no more than this: that the foreman had had once or twice in the course of his duty to fine them a few pence for arriving late at their work. They were both hanged, and rightly so. The murder was too premeditated, too horribly callous and with no motive which could have possibly mitigated or excused the wicked deed of which they had been guilty.

CHAPTER VIII

Juries: The Abolition of Grand Juries: Stories of Hawkins, J: A bottle of Champagne: A Visit to the Derby.

A good deal has been written from time to time on the subject of the abolition of Grand Juries in criminal cases, which is now a *fait accompli*. One point of view is that it is a grievous pity to abolish such an interesting and ancient part of our constitution, while others go further and say that it is positively dangerous to do so, for what has happened in the past in the struggles between King and People may happen in the future in some form or other. The other point of view is that all such danger is past, and the procedure is not only out of date but it is a source of considerable inconvenience and unnecessary expense to many people.

The system of Grand Juries is undoubtedly one of very ancient origin. It originated by degrees and was really conceived to take the place of "Trial by Battle" and "Trial by Ordeal." These two forms of legal trials—for such they must be called, seeing that they were the judicial mode of ascertaining the guilt or innocence of a criminal—were of real force and effect for many generations in the black ages in which crass superstition and judicial violence were rampant. This form of trial was based upon the idea, no doubt, that God would defend the Right. If a man's physical body happened to be strong enough to withstand the horrors of the torture chamber,

he would be at once set at liberty. Trial by battle was a still more fantastic form of justice, or, as I should call it, injustice. If the accused was able or skilful enough to beat his opponent by force of arms, the law presumed that he must necessarily be regarded as innocent; but if he proved himself not to be skilful or strong enough to ward off the attacks of his enemy his doom was sealed. We read in ancient history that this "Trial by Battle" became a spectacular scene largely frequented by the public, as in the case of a modern football match. Indeed, we are told that the necessary weapons were often supplied by the Crown itself, in order that due justice might be done. As time went on however the "Trial by Ordeal" became distasteful to the people, and the tortures became trifling or even faked. To such an extent, indeed, was this the case, that King William Rufus discovered that out of a large number of people put to the same form of torture not one of them had been found to be guilty. This rather opened his eyes to what was going on; so he came to the conclusion that in the future, as he himself expressed it, he should act on his own judgment rather than on the judgment of God.

The system of Grand Juries served its purpose. It proved to be a real check on the arbitrary power of the Sovereign. But times, or the vexatious and unfounded charges by commoners, have changed. The stipendary magistrates and clerks to the county magistrates are now so thoroughly versed in the administration of the criminal law that a person is rarely likely to be committed for trial unless there is a real *prima facie* case for him to answer; while the judge at the trial can, and very often does, take the place of the Grand Jury and withdraws a case from

them on the ground that no *prima facie* case has been made out.

With regard to the Petty Jury however the question is an entirely different and far more important one. In civil cases the right of a litigant to claim a trial by jury has been greatly curtailed of late and threatens to become more so. In civil cases that is legitimate enough, because there are many cases which from their nature are not adapted to such a form of tribunal. But in criminal cases the right to a jury must continue untouched and unchallenged. New generations are apt to work on new lines. It is impossible to forecast what the future may have in store for this country, but it is quite impossible to believe that that right, which has existed for so long a time in history, can be abolished, whatever be the form of government which may happen to be dominant at the time. Indeed, in the course of writing this, I read in a daily paper an article advocating the abolition of juries even in criminal cases. There is another reason against such a view, which is by no means to be disregarded. There are many cases which come before the criminal courts in which the guilt of the prisoner is so modified by the surrounding facts that the judge who tries the accused would prefer a clean verdict of acquittal. If the judge tried the case without a jury he might find it impossible, as a lawyer, to give such a verdict or to give adequate grounds in law in support of it. He would in such a case be compelled to find a verdict of guilty. It may be said that the judge can give full effect to the view he entertains by the sentence which he imposes; but the conviction itself would still remain recorded against the accused as a blot upon his character for the rest of his natural life. If however

such a case were left to a jury to decide, no such difficulty could arise. The judge would sum up and the jury would be in a position to give their verdict without having to assign any reasons for their finding. This may be said to be not strictly logical; but it falls within the admirable advice given in the *Merchant of Venice*: "Wrest once the law to your authority; to do a great right, do a little wrong."

There is another story of Mr. Justice Hawkins which I have but just recalled to mind. In January, 1881, England was wellnigh submerged in snow, as the result of the extraordinary blizzard which occurred towards the middle of that month. London streets became impassable, the snow extending right up the sides of the houses. The Assizes at Maidstone were about to be held, and at four o'clock one afternoon a train left Victoria for that town, among the passengers in which were the Circuit Judges, Mr. Justice Hawkins and Mr. Justice Denman and several members of the Bar, including myself. We started at the height of the storm; but we had not gone very far on our journey when it became clear that there was a serious danger of our being snowed up, so we had to hasten to retrace our steps to London, where we arrived very late at night. It was quite impossible to get home; my dressing-bags had been taken to Maidstone by my clerk earlier in the day, so I and two more of us had to take refuge for the night, minus our luggage, at the Grosvenor Hotel. We learned next day that the train immediately preceding ours had been forced to return even before we had started, which naturally made Mr. Justice Hawkins extremely angry; and I have little doubt that he showed his displeasure with some degree of acrimony. In order

to appease him the manager of the station arranged to have a special train for Judges and Bar as soon as circumstances would allow of our making a start; and he made provision for Her Majesty's Judges accommodation by supplying them with a lunch on the train, in which champagne was not forgotten. The Bar were left to find luncheons for themselves; and I suppose nothing else could well have been expected in this not unimportant respect.

Well, we started and arrived at our destination early in the afternoon. There was a large crowd awaiting us at the station, and on the platform were the High Sheriff, the Under Sheriff, the Chaplain, all in full canonicals, awaiting the advent of the Judges. I happened to be in the carriage next to that of the Judges and saw distinctly what followed. There was a great deal of bowing and scraping, the carriage door was opened with a flourish in the sight of the officials and some of the waiting crowd, hats were removed and, lo and behold! out rolled an empty champagne bottle, followed by Mr. Justice Hawkins, with all the dignity of which the circumstances would allow.

Yet one more story of Mr. Justice Hawkins. He was a sportsman, and it was generally found when Derby Day came round that Court No. 5, the court in which Hawkins sat, would not sit on that day. The Press made a point every year of drawing attention to this fact. One year—it must have been quite at the end of his time—I happened to be in his court on the Tuesday, the day before the Derby, when Hawkins beckoned to me to come to him, and said in a whisper: "Dickens, I am going to sell the Press to-morrow, and shall hold my court as usual." He acted

on this and his court was advertised to sit at 10.30. He was as good as his word. He did sit; but he managed somehow to get to Epsom in time for the Derby for all that, and so he achieved the feat of killing two birds with one stone.

CHAPTER IX

*The Jamaica Earthquake: My first flight in the air:
My sea trips.*

At this stage I propose going over the seas to find my next subject—to Jamaica, in short. It was in that picturesque island that I found myself engaged in the longest, hardest and most disheartening litigation that I can recall in the whole of my experience. I have, occasionally in my life, lost cases which I had hoped to win, but never have I been so thoroughly disappointed with the result of a trial as I was in the case of which I am about to speak.

It may be said, of course, that what I propose to write about took place twenty-five years ago; that the verdict has been passed, the damages paid, and Jamaica rebuilt out of the insurance monies. But in writing my reminiscences of my professional career it would be quite impossible to pass over such a case as this. I must, therefore, give the impressions that I formed at the time, and it was beyond all question a bitter time, both for myself and my colleagues.

The case arose out of the great earthquake in Jamaica, which took place in February, 1907. Having regard to the magnitude of the shock, the loss of life, when compared with other cases of the kind, can fairly be described as small. The number of deaths amounting to somewhere about 3,000. But the material damage was enormous; more especially in Kingston itself. The greater part of

this damage was caused not by the direct shock of the earthquake, but by the fires which followed upon it. I remember, somewhere in the Old Testament, coming across a passage to the effect, "first the earthquake: then the fire." But whatever may be the correct quotation, it is a matter of common knowledge that fire does almost invariably follow upon this kind of disaster, and must inevitably do so.

In Jamaica there were two such fires, one in a large Stores, which, if my memory serves me right, went by the name either of the Bee Hive or the "Army and Navy" stores—but the name is immaterial; while the other originated in a doctor's house in another portion of Kingston and far away from the harbour. The fire in the stores was tragic in the extreme. At the time of the earthquake a large number of boxes of matches which only strike on the box were stored there; and the shock came at a time when business was still being done on the premises. The whole building fell with a crash, and by reason of the vertical shock many of the boxes were smashed, while by reason of the lateral movement some of the matches struck against the sides of the boxes and set the whole into a blaze. The awful result of this was that, by reason of the fall of the building, the manager and four other men were trapped in the basement, three of them (including the manager) being held down by beams which had fallen upon them so as to make it quite impossible for them to move. The other two, seeing a glimmer of light in the shattered wall in front, made a desperate attempt with their hands to make a hole in it sufficiently large to allow of an escape. What followed was heartrending. First smoke began to fill the basement,

followed by the feeling of increasing heat, and then the flames: the story is too horrible to dwell upon. The three men were burnt to death; but the other two, at almost the last moment, succeeded in escaping through the hole which they had, with great difficulty, been able to make in the wall.

The second fire was in a doctor's house—an old wooden tenement, dry as tinder. The doctor dispensed his own medicines on the premises, so that it necessarily followed that there was much in the house that was highly inflammable. Happily, in this instance, there was no tragedy or loss of life; but this fire, as well as the other, spread through the town with lightning rapidity, and practically destroyed a very large portion of it. The damage was very heavy and claims were made upon the fire insurance offices for an indemnity. These were repudiated on the ground that these losses by fire did not fall within the terms of the policies. The clause upon which they relied was clear and comprehensive and was in these terms: "The insurers are not to be responsible for loss by fire, caused by or occasioned through or during earthquake." Many of the assured had been previously warned by the insurance agents that their policies did not cover loss by fires which arose as a consequence of earthquake; but the answer made by these people was to this effect: "Although we have occasional tremors, we have not had a real earthquake in the island since 1623, and we are quite content with our policies as they stand."

All these policies had been issued in the island itself, so that the claimants were in a position to be able to start proceedings there; while had they been issued in England, the trials would have taken place in this country; and so,

as matters stood, the insurance companies were forced to fight in Jamaica. This was really a very serious matter, as the claims must have run into something approaching a million pounds; but whatever the actual amount may have been, it was clear that the damage could not have been made good without the assistance of the insurance money. There were many of the large insurance offices concerned, so they agreed to combine together to fight the cases in unison. The venue laid for the trial of these claims was Kingston. That of course was an impossibility. So the place of trial was changed to Mandeville, some little distance inland; but whether the change greatly improved the position so far as the companies were concerned, is by no means clear. As soon as it became clear that litigation was inevitable, I was asked if I would go to Jamaica to lead for the insurance companies. I was a little doubtful as to the wisdom of being out of the country for what must necessarily be a considerable time; but as the fee was a very substantial one I made up my mind to risk it; so early in October, 1907 (about nine months after the earthquake), I started for the West Indies, after arranging that my wife and two unmarried daughters were to follow me by the next boat. This they did and we were in Jamaica until the end of the year.

There was of course great excitement throughout the island. For many months it was the main topic of conversation. Everyone in the island was either directly or indirectly interested in it. I was not in Jamaica for the preliminary proceedings in the courts. Sir Alfred Tobin, my colleague, was; and he tells me that although one of the witnesses, whose evidence was taken on commission, blurted out that she had heard that one of the fires started before

the earthquake, there was nothing to indicate that there was any serious reason to suppose that it was to be suggested that either of the two fires, by a strange coincidence, had started just before the earthquake began.

So far as I was concerned, I had no idea that this was to be a subject of contest until well on in the course of the trial itself. There was moreover an agent of the insurance companies constantly in Jamaica making enquiries and going backwards and forwards in the liner *Port Kingston* and others of the line who had never heard of such a suggestion or anything of the kind.

My first step, on my arrival, was to be called to the Bar of Jamaica, otherwise I was not eligible to take part in the trial. This ceremony was duly performed, and I found myself enjoying the privilege of being the junior member of that Bar. Sir Alfred Tobin, my dear friend (now Judge of the Westminster County Court), and Mr. Sims Williams (then a junior with considerable practice, but long since retired) had arrived some time before, and had been engaged with Mr. Josephs, a member of that Bar for some weeks, in the preliminary steps in the litigation, in which Mr. Hemmerde, K.C. (the present Recorder of Liverpool) led for the claimants with some members of the local Bar, who proved themselves to be most friendly and courteous throughout the prolonged struggle which followed.

When the test case came on for trial the Chief Justice, Sir Fielding Clarke, was unfortunately absent from the island. His house had been destroyed and he was away on leave. The presiding judge was, therefore, Mr. Justice Lumb, who was at the time in very bad health, and not really fitted for such a heavy tax upon his physical and

mental powers. When the trial started at Mandeville, it was clear, from a legal point of view, that in the first place the burden fell upon us to show that these two fires were in truth earthquake fires. No doubt this point could be raised with regard to what I call the "stores fire." That was beyond dispute; nor, as I have already pointed out, did I believe that any such question was to be raised in respect to the second fire at the doctor's house.

A matter of some considerable interest arose at the outset, when I had to explain the nature and character of an earthquake. This was of importance, because one of our contentions was that this fire must have at least started "during" the earthquake. In the view we put before the Court, an earthquake was one great indivisible convulsion of nature, caused by the giving way of some part of the earth's crust, following upon hidden forces which it was not easy to define or to explain. In our view, it begins with what are technically described as "premonitory tremors"; very slight at first, increasing in violence until the coming of the actual crash, and then gradually dwindling until they altogether cease. It starts with the first tremor and ends with the last. From its very nature, it cannot be subdivided. It was contended for the plaintiff, on the other hand, that each tremor was a distinct and separate earthquake in itself. It is interesting to note that, with a view to explaining the nature of this particular earthquake in Jamaica, I used, for the purpose, the seismogram or chart which had been taken by the seismograph in the Isle of Wight: a somewhat remarkable thing, I think, that I should be enabled to explain to a jury in the island itself the nature and extent of the earthquake which had occurred there, by means of the record made on that

wonderfully sensitive instrument in a place thousands of miles away. Proceeding at once to deal with the issue that this fire at the doctor's was caused by the earthquake, we gave very conclusive evidence, if it were believed, from inside the house itself (one witness being a servant living there) that there had been no trace of any fire prior to the earthquake shock; though the fire, when once alight, spread with extraordinary rapidity which, having regard to the condition of things inside the house, was not at all to be wondered at. The first hint I had of a suggestion as to a pre-earthquake fire was upon the arrival of my wife and daughters at Mandeville, when I learnt that the chief officer of the ship *Port Kingston*, on which they had sailed, was going into the box to say something on that subject, which as a matter of fact he did in due course. It was then that this became a vital issue. In opposition to the direct evidence from inside the house that there was no such fire the plaintiff called the evidence of people outside the house, to show that the fire had begun before the shock commenced. This evidence consisted, first of all, in their calling a thoroughly respectable old gentleman, who had been on the Legislative Council and who I have no shadow of a doubt was saying that which he believed to be true, to testify to the fact that while the shocks were still continuing, as he came down the stairs of his office, he saw the smoke rising from the doctor's house, which almost faced him. At this supreme moment there was a universal panic in the town, people rushing for safety, quite unable to follow the sequence of events. This old gentleman himself was not likely to be different to other people under the nerve-breaking conditions at this time; and yet, nine months afterwards, he was able to recall in the most

precise manner the actual sequence of events during this time of supreme danger and wild confusion.

The first officer of the *Port Kingston* was then called to prove that, while he was on the bridge of his ship at the time of the shock, he had noticed in the far distance a column of smoke arising, which he afterwards located as being the same column he had previously seen, greatly increased in volume. The doctor's house was a long way from where he stood; there was naturally other smoke dotted about the landscape, which was of considerable extent. Consequently the evidence was of very little value. But the most amazing part of his evidence was this—though eight or nine months had elapsed since the earthquake, though he had in the interval made several voyages to Kingston in the same ship, though the agent of the insurance offices had travelled on board his ship more than once, he never gave a hint of what he afterwards deposed to. Mr. Hemmerde suggested that at the time he saw the smoke originally he drew the second officer's attention to it; indeed, I am inclined to think that the second officer was called, though I am not quite clear as to this; but even if this were so, it could not have accounted for his extraordinary reticence, which could on the other hand be well accounted for on the supposition that he had laid no stress on the matter until eight or nine months afterwards, although he must have discussed the earthquake or heard it discussed month after month during the interval.

Besides this evidence some natives were called to prove that they also had noticed the smoke from the doctor's house from different points of view. Of course they did. That fire blazed up with extraordinary rapidity. The

question was at what time did they see it, and were they at that time themselves capable of following the sequence of events, so as to be in a position to contradict the evidence which was supported by those inside the house itself?

The summing-up was, I regret to have to say, far from adequate. I am not surprised, because the Judge was very ill, and in the end, after a trial of seventeen days, the jury found that the fire at the doctor's was a pre-earthquake fire, with the result that the insurance offices had to make good all the damage caused thereby.

The second trial was held at Montego Bay, a very charming part of the island. After the verdict in the first case, the issue in this trial resolved itself into an inquiry as to which of the two fires caused the damage in each particular case—a matter of some difficulty, as the line of fires crossed each other, so that after the trial had continued for some ten days we settled that question by a fair compromise.

Socially, we were treated with generous hospitality and with the greatest cordiality by everybody in Jamaica. The ladies of our party had a most enjoyable time; but, as for myself and my brother counsel, the case was somewhat different, because we were throughout oppressed by the strong feeling rampant in the island, which gave us a foreboding of disaster.

Some little time after the trials were ended we were all invited to the annual dinner of the Yacht Club, upon which occasion I was called upon to make an after-dinner speech. Having a shrewd suspicion that there were not a few people there who doubted the justice of the jury's decision, I thought I might fairly pull their legs a bit. So in the course of my speech, I said: "I do not quite

“understand you Jamaicans. You don’t appear to me to be “consistent people. Why do you have after-dinner speak- “ing? I have always understood in an ordinary civilised “community that speeches follow the dinner. But I have “also understood in an ordinary civilised community that “fire follows the earthquake; but in this topsy-turvydom “island of yours you must certainly have your speeches “before the dinner.”

In conclusion, there are two significant facts which should be recorded. In order to entitle the defendants to appeal to the Privy Council they had to apply to the full Jamaican Court for a new trial. By the time this motion came on for hearing, the Chief Justice, Sir Fielding Clarke, had returned to the island and presided when the argument took place. Upon hearing the evidence which had been given at the trial the Chief Justice gave judgment which was strongly in favour of a new trial. He did not believe in the verdict. However, as Mr. Justice Lumb and his brother judge, whose name I cannot recall, were of the opposite opinion, the motion for a new trial was dismissed.

In the Privy Council we were at a great disadvantage. That court has merely to deal with points of law. In our case there were really none. The Privy Council had not to adjudicate on the merits. All they had to do was to see whether there was evidence on which the jury could find the verdict they arrived at, not whether they were right in doing so as a matter of fact.

The second point to be recorded is this. There was one of the claimants who played the part of a true sportsman. He had lost heavily. He might, like the others, have brought his action in Jamaica. He would not do so. He

desired to have it tried, on its merits, by a wholly independent jury. He accordingly commenced his proceedings in England. His case came on for trial before Mr. Justice Bigham and a special jury, who unhesitatingly found against him on all points.

A pleasant little episode took place while I was in the island, pointing, as it does, to the universal popularity of my father among all manner of people in different parts of the world. Whilst I was in the middle of the trial I have been describing, I used to take my exercise in the early morning before the heat of the day. One morning I was taking one of my usual walks when I saw a buggy coming towards me with two chubby little black people—obviously a married couple—inside it. As they drew near I saw the woman nudge the little man as she recognised me, which she could easily do, as our portraits were spread all over the island, and when the buggy came abreast of me it stopped. “Mr. Dickens, sah!” “Yes,” I said. “We are so pleased to meet you, sah! We know all “your father’s books. We have read them all and love them. “We should think it a great honour to shake hands with “you.” This I did, and they went away with the brightest of smiles. This delightful kind of recognition by absolute strangers I had met with frequently before in different parts of the world; even in Moscow, where I was told that if the students of the university knew I was in the town they would give a fête in my honour; in Toronto by a boots at the hotel, who reminded me of Sam Weller; and especially in America, when I went there in 1900. There it was not to be wondered at, as my father had won the hearts of our American cousins quite as completely as those of his own fellow-countrymen at home.

Since that memorable visit to Jamaica I have twice made a sea voyage to the West Indies in the Elder and Fyffe's boats, and a very pleasant voyage it is. Upon the last occasion, which was in 1931, I went "up in the air" for the first time. I knew the Atlantic, the Mediterranean, the North and the Baltic Seas intimately, but I had never even seen the Pacific; and I made up my mind I would do so before I died. We arrived at Cristóbal at about six o'clock in the morning and were to sail again at ten o'clock at night. We found that there was an air service between Cristóbal and Panama. This was a bit of good luck as it gave me the opportunity of flying over the Panama Canal, an opportunity of which I and my son and grandson gladly availed ourselves. It was a delightful and most interesting flight, and I rather pride myself on its being a bit of a venture for a man of 82.

The plane was a seaplane and quite a small one, with room for six people besides the pilot. A very old friend of mine, who was on board the ship, proposed joining the "air" party. I was a little apprehensive as to this, seeing that he weighed well over twenty stone, and as my grandson was a small Eton boy and I was very light, I began to wonder what kind of a job the pilot would make of it. However, my friend gave up the idea; and very wisely, too. Upon our return I told him it was just as well that he had not joined us. In the first place, I said I did not think he could ever have got into the machine; and I went on to say that if he had ever succeeded in getting in, we could not by any possibility have got him out again.

The wonder of this canal is that it is all worked in one room at the head of the channel on the Atlantic side by turning handles which open or shut the sluices and raise

or drop the chains at the different locks on the whole length to the Pacific. The man who presided over this work, an American, who explained the working of the locks to us, turned out to be a great admirer of Dickens and we accordingly exchanged hearty greetings.

I have been a bit of a traveller in my time, for I love the sea and all that "appertaineth thereto." In 1891 I made the trip to South Africa simply as a rest after a heavy year's work; in 1900 I paid a visit to Canada and America during the Long Vacation; I have crossed the Bay of Biscay thirty-six times; and only on one occasion have I struck a bad sea. The trip to Marseilles and back in a P. & O. during the Easter or Whitsun holidays was a very common form of excursion with me; and indeed it became quite popular with members of my profession. I have often made longer trips than these in the Mediterranean, as well as in the Baltic, even up to Russia (before the war). Nowadays this kind of holiday has become quite the "rage." But the present voyages, in the enormous leviathans of modern times, which have become so popular, and which are a present source of income to impoverished steamship companies, differ very greatly from those delightful, quiet, peaceful and healthy trips which I can recall with so much pleasure. They have become overcrowded, hectic with the continuous excitement of never-ending gaieties, full of noise and perpetual bustle, without which apparently our present holiday-makers can find no real enjoyment. The Press too take care that in their daily record of these excursions, a full account of the various festivities is given as a bait to those to whom perpetual excitement would appear to be the one desire of their lives.

CHAPTER X

*The Vimbos Case: Sir Lawson Walton: Frank Lockwood:
The Case of Mr. Pickwick.*

HOWEVER, to come back to my present subject, which is not the sea. It will be recollected that in writing on the subject of Lord Russell of Killowen I mentioned a case which I described as the "Vimbos" trial. This was a very heavy case in every sense of the word. There was much at stake; it lasted for about sixteen days; the facts were complicated, and it was the last big case that the Chief Justice tried. Its particular interest lies in a most skilful and insidious cross-examination of one of the defendants, the one for whom I appeared, by Mr. Duke, K.C. (now Lord Merrivale), which was rendered entirely ineffective by reason of the transparent honesty of the witness himself. "Vimbos" was a company which had been formed to carry on the same kind of trade as "Bovril," one which was soon to fail, however, by the rivalry of that well-established and powerful competitor. It was forced into liquidation; one of the results of which was that a shareholders' action was commenced against three of the directors, for fraudulent misstatements in the prospectus and misfeasance under the Directors' Liability Act. Mr. Duke led for the plaintiff. Sir Lawson Walton, K.C., led for what I prefer to call the "monied" man, for he was very rich. I led for an Edinburgh gentleman, who, though well-to-do, was not in a position to be able to meet a heavy claim;

while the third defendant, for whom Mr. Wallace, K.C. (afterwards Chairman of the London Sessions) appeared, was a man of little or no financial importance whatever. The amount at issue was very large indeed, running as it did into tens of thousands of pounds. The prospectus, which was attacked, had been carefully drafted by a very well-known counsel and had undoubtedly attracted a large number of the public. This was the position of things when the trial came on for hearing. There was the usual evidence which is generally given in this class of case, but all that I desire to draw attention to is the evidence of my Edinburgh client. When Mr. Duke rose to cross-examine him he must have had one thought uppermost in his mind. At all costs, he thought, it was essential to get a verdict against the monied man. Without that, whatever verdict they might obtain against the others would have been of little value. In determining his line of cross-examination of my client, therefore, he doubtless followed his experience of human nature. After all said and done, he thought, the sense of self-preservation must play a great part in this man's evidence, for it is clear that he is not in a position to bear the heavy burden which must follow upon an adverse verdict. With this object in his mind, his cross-examination was of a friendly character and was directed to putting such questions to him that the answers might tend to let him out, while strengthening the case against his co-defendants. The temptation to do this was strong, stronger than one can well appreciate; but this line of examination had no effect whatever upon my client's mind. By no word or suggestion of his did he differentiate his position from that of his co-directors. He might, had he liked, have seized the

opportunity to protect himself. He would have none of it. He was staunch to his friends even while he had the knowledge that by that line of conduct he might be incurring a burden which it would be ruin to him to have to bear.

In the middle of this interesting trial of wits the Chief Justice, who thoroughly appreciated the meaning of what was going on, suddenly interposed with the observation: "Sir, your evidence is highly creditable to you." In the end Mr. Duke entirely failed in his objective, and my client left the box. I do not suppose that I have ever before, in my whole experience, met with such an absolutely honest and straightforward gentleman as he showed himself to be; and as he left the box I beckoned to him to come out of court, and when we met outside I shook him warmly by the hand and said to him: "I have called you out of court to shake you by the hand, and to tell you how proud I am to appear as your counsel." So far as the conclusion of the case is concerned, the jury had no hesitation whatever in finding a verdict for my client on all points; but with regard to the "monied man" the case was different. The Lord Chief Justice had taken a very strong line against the remaining defendants. He appeared in fact to be dictating a little too strongly to the jury as to the verdict they ought to give. The result of this was that one member of the jury objected altogether to this line of summing-up and declined to agree to a verdict against the defendants on this ground. As he afterwards expressed himself, he said he was not going to be dictated to by anyone, however illustrious he might happen to be. This result of course necessitated a new trial. My client was out of this; but on the occasion of the second trial I was

briefed as second silk to Sir Lawson Walton for the monied man. The case never came on again in court however, for the reason that when we were in consultation the night before it was to be in the list, we received a message from the plaintiffs' solicitors to the effect that if we would give them one thousand pounds towards their costs they would be content to let the matter rest. I need hardly add that we were quite willing to accommodate them to that extent, and so the litigation ended.

I have dealt at some length with this case because I had found for once in my life that *rara avis*, a truly honest man. I cannot let this case go by though, without saying a word concerning Sir Lawson Walton. He was a model of what a successful barrister should be. With a singular charm of manner, strong as an advocate, but never cruel or overdominating, a great lawyer, a refined gentleman and a true and lovable friend. I do not want to overpraise him and in saying what I have done, I feel convinced that I have not done so. He died far too soon. He was a great loss to the profession. The name of Lawson Walton naturally recalls to my mind the name of another well-known advocate, a very dear friend of my own.

I allude to Sir Frank Lockwood. We were often together, often opposed to each other, and he always called me "Henri." He made a great name for himself. He had a very fine presence; he was a ready speaker, with that strong sense of humour which is so invaluable in an advocate. He was not a great lawyer. No one, I think, could fairly say that of him, although, as a matter of fact, he was Solicitor-General for a short time. He possessed a happy disposition which appealed to all those who came across him; and when he died he left behind him the

memory of one who was beloved by all who knew him, whether at the Bar, or in the House of Commons or in his large circle of private friends who were most intimately connected with him. He used to amuse himself in court by making lightning sketches in pen and ink, sometimes of the judge, sometimes of his opponent, sometimes of a witness, sometimes of himself. Lockwood's sketches will go down to posterity in the annals of the profession.

In writing of all these great contemporaries of mine, I have sometimes been overcome with the sudden thought that all these men, many of them dear friends of my own, have gone while I am left. That thought, I know, was uppermost in the mind of Sir Harry Poland, K.C., towards the end of his very long and distinguished life, as I have already related. However, this is one of the penalties inevitably attached to old age and we must bear with it as best we can.

There are many other cases of importance to which I might have referred; but I refrain from doing so not only for fear of being unduly prolix, but also because I shall have to quote some cases of interest when I come to tell the history of my Election Petitions. Many people of the present generation can doubtless recall the "Peasenhall Murder" which was of a highly sensational and tragic character. There were two trials, in both of which the juries disagreed. Having regard to this fact alone, I feel that any comment on it would be difficult if not entirely out of place. But I must not forget the case of Mr. Pickwick. That would never do. The circumstances were these:

In a case in which I was engaged I had to call a witness of the name of Pickwick. This fact became known in the courts and there was quite a little excitement about it.

Dickens to call Pickwick! It was a bit of a joke and relished as such. When the case came into the list for the day I was unfortunately absent elsewhere. Mr. Justice Hawkins was the judge and a well-known Queen's Counsel sent a note up to him explaining the circumstances. Hawkins, J., being struck with the fun of the situation, took care to adjourn the case for my attendance, but on what grounds he justified this I cannot tell. In opening the case next day I took care to enlarge upon the fact that my principal witness was Mr. Pickwick. "I have not yet seen the gentleman," I said, "and I do not therefore know whether he will appear in his gaiters; but we shall very soon know. Call Mr. Pickwick!"

The witness stepped into the box and was greeted with roars of laughter from a delighted crowd; for he turned out to be a mere shadow of a man, the thinnest thing that I think I ever set eyes on, with a mournful smile.

Poor man! he had not been in court when I opened the case; and he could not for the life of him understand what all this laughing was about.

PART IV

MY GREAT DISAPPOINTMENT

CHAPTER I

My appointment as Commissioner of Assize: Lord Loreburn's intentions: His sudden illness and retirement: My Circuit as Commissioner: A story of Port Wine: An offer to go to India: An offer to go to Constantinople.

I now turn to one of the most important incidents in my professional life. I should say the most important one that I have to record. It was one which, in its inception, filled me with hope for my future; but which ended by leaving behind it a sense of bitter disappointment

The story I am now about to tell is the story of how it came to pass that I failed to achieve my cherished desire of being raised to the High Court Bench.

On January 3rd, 1912, I received a letter from Lord Loreburn, the Lord High Chancellor, apprising me of the indisposition of Mr. Justice Lawrence and asking me if I would take his place and go round the Midland Circuit as Commissioner of Assize. I naturally consented to do so wholeheartedly; not only because of the pleasure it would give me, but also because of what I hoped would follow upon it. To show that that hope on my part was not unwarranted I give here a letter which I received from Mr. Justice Coleridge, the son of the Lord Chief Justice:

Jan. 12, 1912.

My dear Dickens,

I am truly glad to see the announcement that you are to

RECOLLECTIONS OF SIR HENRY DICKENS

go as Commissioner of Assize. I hope and believe that, as in my case, it means that you will ultimately be appointed a Judge of the High Court, an appointment, in my opinion, long overdue.

*Yours sincerely,
Coleridge.*

In the meanwhile I remembered that I had pledged myself to give a public recital of *A Christmas Carol* at Nottingham. As this happened to be one of the towns on the Midland Circuit, I wrote to Lord Loreburn and asked him if, under the circumstances, there was any objection to my doing so. This was the answer:

Jan. 8, 1912.

My dear Dickens,

I quite agree with you that there can be no possible objection to your reading or reciting any work of your father's when on Assize, unless it be some of the fun he poked at us Judges and the Law with which you are so familiar! By all means recite the "Xmas Carol," so far as my advice goes, and I should be very glad if I were able to be there and hear it.

*Yours sincerely,
Loreburn.*

I went round the Midland Circuit, accordingly, with my son Philip as marshall, and had a heavy, though most successful, and wholly agreeable time of it; especially at its conclusion, when the Bar of the Circuit entertained me at dinner to commemorate the cordial feelings which had existed between us. Of some of the incidents of that circuit I shall have to speak later. For my present pur-

pose I have merely to record what happened. Suddenly, quite suddenly, Lord Loreburn was taken ill. His oculist, Sir Anderson Critchett, was consulted and the advice given to him was that he must give up all work *at once—there and then*, as there was grave danger of his “losing his vision.” With this danger threatening him Lord Loreburn retired and Lord Haldane took his seat on the woolsack. Before many months had elapsed there was a vacancy on the High Court Bench and Mr. Bailhache was appointed.

My being passed over was a bitter blow to me; more especially when I learnt that Lord Loreburn had quite made up his mind that I was to be his next appointment. This I learnt not only from a very distinguished judge, long since retired, who heard it from Loreburn himself, but also from Sir Anderson Critchett, a very dear and staunch friend of mine, who told me that, knowing as he did from Loreburn of his intention to give me his next judgeship, he could not but feel, when he advised Loreburn to go, the effect which such advice might have on my own career.

I do not want to be misunderstood. I am not at all putting myself forward as a man with a grievance. There may have been many reasons for my not having been appointed. It was a bit of hard luck—I put it no higher than that.

My friends were more than kind in their expressions of sympathy; but there are many in the profession who are altogether ignorant of what had transpired; and there are few who know that, but for Loreburn’s unfortunate and untimely illness, I should long ago have taken my seat on the High Court Bench.

Well, after all, I feel I ought not to complain. I have

had wonderful luck all through my life; more, indeed, than I deserve. I ought not to grumble therefore at one set-back; especially as in later years the time which I spent as Common Serjeant, turned out to be, not only a very pleasant time, but one of real interest and great public importance.

When I started my circuit I made up my mind that the members of the Bar should have a good time. So I arranged with my marshall that instead of asking the Bar to one dinner for the circuit *en bloc*, we should invite five or six men at the different towns in cosy little parties; and with this end in view, I laid in a stock of first-rate champagne and some fine old port.

"Port" brings to my mind a good story of old Mr. Justice Manisty. He had a lot of the fine old 1834, a vintage quite unknown to the present generation. I drank much of it because I knew Manisty and his son-in-law, Mr. Macrory, a well-known patent lawyer, very intimately. Well, the old man got seedy and the doctor ordered him off his port. Weeks went by and he began to droop a bit, until the doctor told him he had better take to his port again. "Aye, doctor," said Manisty, "but how about the arrears?"

These little parties of mine proved to be a great success; and sometimes after dinner I used, at the request of my guests, to recite something of my father's. There was no formality about these evenings; very unlike the judges' Bar dinners I have met with on circuit, which were always very dull affairs.

One great feature about this circuit of mine was the profusion of flowers in the judges' lodgings all through the time. This, I believe, was the act of the wives of the

High Sheriffs in the different towns to which we went. Wherever we happened to go, there seems to have been a desire on the part of everyone in authority to make things pleasant for us, and although we had many heavy days of work, sometimes extending to late hours at night, we had as pleasant a time as anyone could possibly have wished for.

It was while I was still on circuit that I was startled by receiving an amazing offer that I should go to India to argue an appeal at Calcutta on behalf of the Government. This appeal was one arising out of a trial which lasted, I think I am right in saying, over one hundred and twenty days. The judge, according to what I was told, in coming to the conclusion which he did, had used strong language with regard to some officials concerned; and the appeal was, therefore, one of great consequence. There were, I think, five thousand closely printed pages of evidence and the matter was an intricate one. No fee was mentioned; the negotiations never got far enough for that; but I learnt afterwards that the counsel who eventually fought the appeal made something like £15,000 out of it. The offer was not one to be lightly discarded. The reason for my ultimate refusal of it was this: While I was considering the matter I happened to invite to one of my little dinner parties the Undersheriff and his son, who was a soldier, home from India on leave. I was discussing the matter over the dinner-table, when this young officer spoke very seriously on the subject. He asked me what my age was, whether I had at any time lived in a tropical country and lastly, whether I thoroughly understood what the climate at Calcutta was during the months of April, May and June, the season at which I was to be there. He

pointed out that to a European, unused to the tropical heat, especially to one well on in years, the work which was in store for me would be very trying; nay, even a possible source of danger to health. Curiously enough, that very same night my wife in London was at a dinner party where she met an Indian General, with whom she discussed the expediency of my going to India. The General unhesitatingly gave her the same warning as had already been given to me, couched however in much stronger and more positive language.

The offer was naturally a most tempting one, the most tempting of any I had ever had; but, after this double warning, I felt I had no alternative but to decline it. The brief was eventually taken by one of the English counsel at the Calcutta Bar; and I learnt afterwards that it took him fifteen days in which to open the appeal! I felt I was well out of it. A very large fee, even as large as the one in this case, was no fair equivalent for a physical breakdown. I do not think I ever heard what the result of the case was—I felt no further interest in it.

Another offer I had had some year or two before this, was to go to Constantinople to appear for the Corporation of Foreign Bondholders in an international arbitration between themselves and the Sultan of Turkey, arising out of a firman which had been issued by the Sultan, in which enquiry the proceedings were to be in French. The proposed fee was 4,000 guineas. In this case it was purely a question of time. I could not risk being away from England for long, and, knowing full well the dilatoriness of the Turk, I felt it would be rash to run the risk. They might have prolonged the proceedings indefinitely; so I refused the offer, substantial though it was.

CHAPTER II

My Circuit continued: My clerk in his element: A right-of-way: "I am going to bed and drink beer": The murder at Leicester: "He is our best football-player": A gesture to the Corporation: A prayer to the Chaplain: Quite a new view of Dickens.

THERE was something really pathetic about the presence of my clerk, old Mr. Block, on circuit. He had been for many years clerk to Lord Russell of Killowen, both when he was at the Bar and on the Bench. Upon Lord Russell's death he found himself rather astray, and for some little time was out of regular employment. Eventually he was recommended to me, and he came into my chambers. But he had aged a good deal and I had to take on an active young man named Henry Figg as my principal clerk. When I went on my circuit Henry should have come with me; but, though he would much have liked to come, he very generously begged me to take old Block, because, he said, he would love so much to see some of the old circuit life once more; so I took him. He was quite in his element. To see him, with his wand of office, walking in the formal processions in opening the Assize, attending church service and other functions, was a sight to see. He looked so important and dignified. He had come back into "his own" in a manner which quite touched me. Sir Alfred Kempe and I pensioned him off eventually, and Henry died during the War, soon after conscription

came into operation. He had been excused from active service on account of a weak heart, and died from overstraining his heart in doing the too onerous work which had been assigned to him to do. I had a real affection for both of them. They were faithful and sympathetic throughout.

We had a heavy Assize. There was a very long right-of-way case at Lincoln, in which about eighty witnesses were called and which lasted six days. These cases, of which I remember several in the Chancery Division, are always interesting and amusing, because of the "oldest inhabitants"—shepherds and such-like—who are called and who can generally remember the smallest details of their lives. I remember leading a very well-known Chancery counsel in one such case many, many years ago. We had had rather a dull week of it, and so, when Friday came, I said to him: "What are you going to do for the week-end?" "My dear Dickens," he said with an air of decision, "I am going to bed and *drink beer*——" Nothing will induce me to give his name or his present position. I will only say of him that he is very popular, somewhat too fat for comfort, that he loves the countryside, and is a most witty after-dinner speaker. I once heard him make a funny speech at a dinner of one of the City Companies. He was telling them what he expected would happen to him when he crossed the Styx, in Charon's boat. "There," he said, "at the other shore I expect to find the shades of hundreds of testators denouncing me for having put a hopelessly wrong interpretation on their wills." That is a clue which no lawyer can miss. You can treat this as a kind of crossword puzzle and make a guess at it.

The most serious case I had to try was one of murder

at Leicester, horrible in its details and exceptionally gruesome in the hideous brutality of the murderer. The murdered woman was a poor woman of the streets. The prisoner was quite a young fellow and by no means the brutal kind of man you would expect to see in one who had committed so shocking a crime. The ghastly feature in the matter was that the woman had not only been stabbed to death, but had been bitten in the throat. This formed part of the chain of evidence against the prisoner. They had asked him to bite into a piece of blotting-paper, and evidence was given by experts to prove that the bite in the blotting-paper coincided with the bite on the woman's throat. There was evidence that the prisoner had been with the woman the day before and there was an attempt made to prove that an assignation had been made for the next day. Beyond that there was no direct evidence whatever to show that he had been in her company on the day of the murder and the evidence on that point was very far from being conclusive. The piece of skin taken from the woman's throat was produced on a plate and I had to point out the suggested similarities in the two bites. I was very nearly thrown off my balance at one period by seeing my son and the chaplain surreptitiously biting into blotting-paper for all they were worth. The prisoner gave evidence of an alibi, and the similarities in the bite did not greatly impress me. The result of the case was that I summed up strongly for an acquittal, and after a fairly long absence the jury returned a verdict of Not Guilty. As we were driving back to judges' lodgings after the verdict my carriage was followed by an enormous crowd cheering all the way to the house. I could not for the life of me understand this, so I said to the Under-

sheriff: "I did not know that any particular interest attached itself to this case. What is it?" "Don't you know, my lord?" he answered, "*Why, he is our best football-player!*"

On the previous circuit to mine there had been a little bit of unpleasantness between the judge and the Corporation of Lincoln. There had been some riots in the town, and Mr. Justice Ridley, in his charge to the Grand Jury, had commented in somewhat strong language on the manner in which the authorities had met the situation. His language was a little resented by some of its members, who thought that he had expressed himself too strongly. Under these circumstances, I thought it would not be out of place if I were to make what is called in modern parlance a "gesture." Accordingly, upon the occasion of the public service at the cathedral, when I was walking down the aisle, after the service was over, with the Archdeacon on one side of me and the Dean on the other and the organ was pealing out the national anthem, instead of going straight into my carriage, I stopped at the church door, turned back past the clergy and made an obeisance to the mayor and corporation who were following us down the aisle. I did this in order that they might appreciate the fact that I was not only paying my respects to the clergy but to the corporation as well.

I ought to have mentioned something which had occurred on our drive down to the cathedral on this occasion. The chaplain who was to preach the accustomed sermon was in my carriage, so I took the opportunity of telling him a little anecdote of Mr. Justice Hawkins when taking part in a similar ceremony to mine. I told him that, as that learned judge was about to leave the carriage to enter the

church he had turned to the chaplain and had given utterance to these parting words: "As you are just, be merciful." And then, turning to my own chaplain in the carriage beside me, I said: "And may I, on this occasion, also breathe a similar prayer to you."

I do not know whether this prayer had anything to do with the length of his sermon; but I certainly found nothing to complain of in that respect.

There is an amusing story in connection with this circuit of mine. It will be remembered that Mr. Bransby Williams, the actor, used to give sketches on the music-hall stage of some of my father's characters. Hence this story: In the course of that circuit I was told that a litigant who was engaged in some case I had to try asked his solicitor who was the judge. "Oh," he said, "Mr. Dickens, K.C., is the Commissioner of Assize. You know, the son of Charles Dickens." "Charles Dickens," he said. "I seem to have heard that name before. Oh, yes, I've got it. Why, of course, it's that chap who writes the music-hall sketches for Bransby Williams."

CHAPTER III

*Marshall Hall, K.C.: Charles Gill, K.C.: Danckwerts:
The case of Kitty Byron.*

THERE are, necessarily, many men with whom I have been associated whom I have not mentioned here, as there is nothing that particularly calls for notice in connection with them. There are two, however, who were so closely connected with me in the profession, being members of my own circuit, that it is impossible for me to pass them over. One is Marshall Hall, K.C., whose name was prominently before the public when his biography was published shortly after his death. As a man, there was no one for whom I had such a real affectionate regard as I had for him. He possessed great attraction. He was a true and sympathetic friend, very artistic in his tastes and in his knowledge of art, and popular with his friends at the Bar. But when I come to speak of him as an advocate I feel I must be a little more guarded in my language. He had a splendid presence, he was a successful advocate and was much talked of by the general public, but I cannot help thinking that his biographer has put him on too high a pedestal. He was a good advocate, but it cannot be truly said that he was a great one. He had not that gift of far-seeing discretion which is required in a great advocate. He was much too ready to talk at large when addressing a jury, without having previously weighed the possible consequences of

what he said. It is a pity, I think, unduly to overpraise a man to whom a fair meed of praise is so justly due as in his case. The most delightful recollection I have of him was the speech he made upon the occasion of our golden wedding, when the Bar of the Central Criminal Court presented us with a beautiful silver salver on which was inscribed the words: "With the affectionate regards of all those who practise before him." Everyone present on that occasion agreed that it was one of the most beautiful speeches of its kind that they had ever heard, a view in which I entirely concur.

The other counsel I have alluded to is Charles Gill, K.C. He and I were, of course, often opposed to each other; and he was also engaged in some of the election petitions, some of them with and some against me. He was a different type to Marshall Hall—somewhat rougher in manner; but he was a very capable and much sought after advocate. His *forte*, I think, was in the art of cross-examination. In this respect he was, in my judgment, much above the average, and his name was generally to be found in the list of counsel retained in the *causes célèbres* of his time.

There is another man who in my time played a great part in the legal world. I allude to Mr. Danckwerts, K.C. He was generally considered to be one of the best lawyers in the profession whether on or off the Bench. Unfortunately both for himself and the profession, he had a violent and uncontrollable temper, which quite unfitted him for the position of a judge. He and I were on quite good terms and he always called me "Copperfield." He could be very outspoken at times. On one occasion he was arguing before Lord Alverstone and two puisne judges,

one of whom was not in Danckwerts' good books: their names I omit for obvious reasons. Lord Alverstone, in the course of the argument, announced that the arrangements for the Courts would make it impossible for the Court as then constituted to continue the case. "Unless, therefore, counsel agree to continue the case with two of them, there must be a long adjournment." To which Danckwerts replied, with marked emphasis, "*Which Two?*"

Before alluding to some of the election petitions in which I was engaged I must recall the case of Kitty Byron, tried for murder at the Old Bailey before Mr. Justice Darling in December, 1902. I only recall it on account of the real grief it gave me. This young girl, with great personal charms, had lived with a member of the Stock Exchange, who had treated her with the utmost brutality and had eventually turned her into the streets to starve. This treatment entirely threw her off her balance and one day she went to the Stock Exchange with a knife hidden in her muff and when the man came to the door in answer to a message she sent to him, she stabbed him. So great was the pity felt for her that some members of the Stock Exchange got up a subscription for her defence and I was retained. I do not think I ever felt so much real sorrow in connection with a client as I did in her case. There was really no defence. All I could hope for was to gain the sympathy of the jury with a view to a recommendation to mercy on their part. The ostensible defence I put forward was that she had gone to the Stock Exchange to make a last dramatic appeal to the man's better nature; with the intention, if the appeal failed, of killing herself in his presence; that, while she was pleading with him, he pushed her roughly on one side, calling her, as he did so, by a vile

name. This so incensed her that she lost all control over herself and began madly to buffet him with her muff; and that while doing so the muff fell down, laying bare the knife which was in her hand inside the muff at the time it fell; and then, in the heat of passion, without realising what she was doing she struck him with the knife.

It was not a defence which inspired me with any degree of confidence, but it was one which was most likely to arouse the strong sympathies of the jury. I never took a case so much to heart. I have been told by some of those who were present that it was the best speech they had ever heard me make. That may be so; for I do not think I was ever carried so completely out of myself as I was in that case. The judge summed up against her. He could not have done otherwise; but he hinted that the jury might, if they thought fit, add any recommendation which they might think the facts fairly warranted. The jury found her guilty, but, after some little hesitation, added to their finding the strongest possible recommendation to mercy. She was of course reprieved, and I do not think she was kept very long in confinement; and, if my memory serves me right, she eventually found herself in that most charitable and sympathetically-conducted home—which was founded and maintained by Lady Henry Somerset—for the lasting benefit and salvation of many a poor woman who has fallen by the way.

PART V

ELECTION PETITIONS

CHAPTER I

My Election Petitions: What have become of them? Why I never went into Parliament: Worcester: East Notts: Good story of Mr. Foote, K.C.: Danger of only two Judges in these Petitions: Haggerston.

WHAT have become of the election petitions? They seem to have quite disappeared from the scene. Time was when hardly a general election took place without some of the results being challenged. My first retainer in any petition was at Haggerston in 1896. In 1901 I had three—Pembroke, Monmouth and Maidstone. In 1906 I again had three—Great Yarmouth, Maidstone and Worcester. In 1910 there were two—one at East Dorset, another at Hartlepool. In 1911 I had as many as six—Cheltenham, Exeter, West Bromwich, East Notts, Central Hull and West Ham. Since that time, so far as I can recall, there have been only two or three at the outside, in none of which had I any part, for I left the Bar in 1917.

Did we kill the "golden goose" or have the politicians become wiser? I can only surmise that the latter must be the case. A petition was a very costly business. In some cases the party paid the shot; in others the cost fell upon the candidate himself. It has been said that a scrutiny costs something approaching to a pound a minute. That is no doubt an exaggeration, but the burden must undoubtedly be a very heavy one. On the whole I think that the politicians must have become wiser in their generation.

The game is really not worth the candle. The party who wins a petition is pretty certain to be the loser at the following election, for it is thought by the constituency that it is not "good form" to turn out your opponent on a petition. It follows from this that unless a petitioner can win the seat on a scrutiny he had far better leave it alone; and naturally a scrutiny can only be started with any prospect of success in the cases where the majority is quite a small one.

There is much in the trial of an election petition which differentiates it from an ordinary action at law. It must necessarily be full of detail; while there is many a trap to catch the unwary in the shape of "illegal practices." In the case of bribery it presents little difficulty for, as one case of bribery is sufficient to upset the whole election, all that is necessary is to establish agency. In the case of illegal practices on the other hand, they have grown to be so numerous and are so sweeping in their operation that it is difficult to be quite sure as to what surprises may not be in store for you. So much so is this the case that there is hardly an election that takes place which can be said to be altogether free from danger if challenged. Of course, there will be lying, probably on both sides, but in this class of case counsel is faced with the further difficulty that he is just as likely to be "let down" by his own witnesses as by any evidence which can be called on the other side. Such difficulties are to be found, no doubt, to some extent in ordinary trials; but to nothing like the extent to which they present themselves in election petitions. And yet, when all is said and done, these trials, in spite of the hard work which they must necessarily entail, are a source of peculiar interest to the counsel engaged. There is an atmosphere

about them which is not to be found in any ordinary trial. Party spirit runs high; popular feeling is given expression to in no slight measure; the witnesses who are called are often of a quaint and amusing character; while the "ups and downs" in the fight are so sudden as to constitute a something which contains every element of interest to those engaged. In short, it is like taking part in a drama full of human interest, in which one has to play a leading part.

I never went into Parliament, although I had three good seats offered to me at different times. My reasons for this were threefold: first the cost, secondly the fear of the double strain, and thirdly, a disinclination to put my conscience into a whip's pocket. As to the first objection, when I enquired in one case as to what would be the necessary outlay on my part, I was told that the election would cost about £1,000 and I should be expected to pay a further £600 a year to the party funds, which was more than I could possibly afford, having regard to my large family. As to the second objection, I had several cases in my mind where men had broken down under the double work in Parliament and at the Bar. The third objection is best told in a story. In Gladstone's great Home Rule election, the exact date of which I cannot recall, I was asked to stand for Rochester. I think it was probably present to the minds of both parties that having regard to my father's close association with that town, I should have been elected on whatever platform I happened to stand; but I was asked to represent Rochester as a Radical by one of the principal Radicals in the town and a strong supporter of Home Rule for Ireland. I felt therefore that I ought to explain the situation and I said to him: "I

"am afraid you do not quite understand the position. The fact is that I am entirely opposed to Gladstone's Home Rule Bill. 'Oh,' he answered with a smile, 'that's all right. With a *little tact* we can soon get over that.'"

A little tact, forsooth! Well, after that I felt that, on the whole, I should be much better out of Parliament than inside of it. I felt that I was not possessed of that "little tact" which was apparently required of me. As a matter of fact, however, as things turned out, I did much better for myself, for I had the good fortune to be retained in most of the petitions between 1896 and 1911, for not only was I retained in fifteen parliamentary petitions, but in four municipal petitions as well, a result which was eminently satisfactory to me from every point of view, financial and otherwise.

One of the difficulties which resulted from my being in all the six petitions in 1911 was that, as they followed closely one upon the other, while fighting one I had to master the details of those which succeeded it. It was here that the leaders had to trust so much to the juniors who were with them. They were nearly always the same, Mr. Hugh Fraser (afterwards Mr. Justice Fraser) on the one side, and Mr. Willoughby Williams on the other. Both of these men, very dear friends of mine, have left us; but I cannot sufficiently express my gratitude to both of them for the way in which they lightened my burden, which was heavy, especially in 1911.

It was natural, of course, that I was sometimes retained for the Liberals, sometimes for the Conservatives. My own political views played no part in the matter. I make no boast of this. It is our training at the Bar which has taught us this lesson, and I believe that this is one of the

principal reasons for the implicit confidence which is reposed in us by members of the public, whatever their political views may happen to be. On one occasion my clerk received two retainers, one from each side. They came by the same post and each letter contained the usual retaining fee. Under these somewhat unusual circumstances he consulted me as to what he ought to do. It was obvious that he could not accept the first letter which he happened to open. The advice I gave him was to write to both sides explaining the position and to tell them that they had better "toss up" for it, which they eventually did.

I have already mentioned that sometimes one meets with witnesses of a peculiarly interesting type. The Worcester petition, which came on for hearing in 1906, provided a good instance of what I mean, though there were other facts in connection with this case which made this petition somewhat remarkable. Before this I had never had a case in which the bribes had not been paid in gold, either ten shillings or a sovereign; but in the Worcester petition the highest bribe was half a crown, while sometimes the bribe went as low as sixpence. I remember saying to the Court on that occasion that we had heard a good deal on the subject of tariff reform and that I thought that, having regard to the interest of the persons who were bribed, there was obviously much room for reform in that respect. The form of bribery in this case was also somewhat unique. It was not a case of "the man in the moon," in which a man hidden from the sight of the voter distributed largesse to voters, but it was very much akin to it. The licensed victuallers were the bribers in this case, and the method was very simple and singularly effective. In a case

where there happened to be a dwarf wall leading to the urinal the persons to be bribed were asked by the publican, in a somewhat marked manner, if they wished to retire. The person so addressed knew perfectly well what this was intended to convey. He had only to feel along the top of the wall and there he would find half a crown. This form of bribery was very prevalent and proved far too successful.

But to come to the witness of whom I have spoken. He was a young soldier who was called to prove that he had been bribed. He was the most formidable witness that I ever had to tackle in these cases, for he was an admirable one. My cross-examination of him was beginning to get a little heated, when he suddenly turned upon me and said: "Who are you?" "What do you say?" I answered. "Who are you? I should like to know who it is who is asking me all these here questions?" "Do you want to know who I am?" I replied. "Yes," he said, "I do." "Well," I said, "if you want to know who I am, I may as well tell you that my name happens to be Dickens." "Oh," he said, "you are Dickens, are you? They tell me you are a 'hot 'un'; I am proud to meet you, sir." "I quite reciprocate the compliment," I said. "Look here," he went on to say, "when this is over you and I will go and have a quart together." The judges, I need hardly say, were far too much amused to interpose in this amicable and somewhat strange conversation, and so my cross-examination, if it produced nothing else, was the source of much amusement in court. My client, the sitting member, in this case, was a man of high honour and integrity, to whom anything in the shape of bribery was repugnant; but unfortunately in elections it is impossible to work without the assistance

of agents, and when once a man has received from headquarters a canvassing card he becomes an agent for whose actions the candidate becomes responsible. So it was in this case, for the evidence of bribery on the part of these licensed victuallers was too strong to resist. I am glad to say, however, that the judges, in giving their decision, exculpated my client from any sort of blame in the matter; and, indeed, they went so far as to express their sympathy with him in the position into which he had been forced by the unfortunate action of his agents, which had compelled them to come to the conclusion that he must be unseated.

For an instance as to the extent to which we were sometime "let down" by our own witnesses, I cannot give a better one than that which occurred in the East Notts petition, which was tried at Nottingham in May, 1911. In that case we were not merely "let down": we were covered with ridicule. The petition was presented on the part of the Liberals, for whom I appeared, with Mr. Foote, K.C., my usual opponent. We were never on very good terms as opponents. He had a very quick temper, and often took offence where no possible offence was meant, and I dare say I was rather annoying sometimes. But in this case, being on the same side for once in a way, I naturally said some nice things about him in my opening speech, and everything went smoothly between us. We had an overwhelming case—*on paper!* A large array of witnesses were to be called by us to prove "illegal practices" of various kinds; such as illegal meetings, prohibited banners, rosettes and other acts and things absolutely forbidden by law. According to the "proofs" of these people the case appeared to be complete and overwhelming—and

what happened? Every man jack of them gave us away! When they were called to give evidence on oath to support these statements they, one and all, without exception, denied that there was the slightest foundation for that which we were putting forward to the Court. In the statements which they had made to our agent they had succeeded in completely hoodwinking that unfortunate gentleman. He must have had a rotten time for some time after this debacle; nor was the position particularly pleasant for us counsel, since our discomfiture was greatly enjoyed by the spectators, who crowded into the court, and all we could do was to keep our tempers and our countenances as best we could.

But the case was not over, in spite of this breakdown. We had a very substantial case of bribery to put before the Court. There had been much poverty and distress in one of the wards, and one of the candidates in the course of the election had spoken about this to his opponent, and they had agreed, in their private capacities, without regard to politics, to help to alleviate the existing distress. That, of course, was the right thing to do; but how was it carried out by the Conservatives? This so-called charity money was distributed at the Conservative headquarters in sums of money, generally ten shillings, emanating from the party funds and enclosed in paper headed with the name of the Conservative Club. It was upon this state of facts that we launched a campaign against them for corrupting the constituency under the cloak of charity. The case was beautifully steered by the other side. The distress was made much of. Poor people were called, one after another, to demonstrate in their own persons their dire distress, and needless to say Sir Edward Clarke, who was

against us, made the most of it. This line was adopted no doubt to gain the sympathy of Mr. Justice Bucknill, who was well known to have a very sentimental side to his character. There was a great difference of opinion between him and Mr. Justice Channell, and I heard from the marshal that they were discussing it until midnight before Channell gave in to his brother judge. In the end, however, the view taken by Bucknill ("Sentimental Tommy" as he was called) prevailed and the petition was dismissed.

There is a good-bye story in this case connected with Foote, K.C. For the purpose of the story I must mention that he had a bit of a squint, or was what is called cock-eyed. He used to like to go into the public smoking-room very often, instead of smoking in our private rooms. He did so on the opening day of this trial at the rising of the court and this is his own version of what transpired. He was reading a paper and smoking his pipe when two men came into the room. They were evidently discussing my opening speech, which lasted the greater part of the day, and one of them said: "Who was that little cock-sparrow who has been talking all the morning?" "Oh," said the other, "that was Dickens." "Oh! that was Dickens, was it? And who was the cock-eyed blighter who was with him?" And here he spat on the floor in derision. Poor Foote! Trying to hide his face in his paper as best he could, he hurriedly left the room and came straight to us in our sitting-room, to tell us all about it. He enjoyed the humour of the scene quite as much as we did, and was not a bit disturbed in his mind with regard to it. As for myself, I may have been called many things in my life, but I do not think I had ever been described as a "little cock-

sparrow." I rather liked the description. It sounded quite homely and sociable.

It is greatly to be regretted, I think, that the number of judges in these trials was altered from three to two. The result of this was that there were several cases in which the judges differed in opinion, with the result that the election stood. This was the case at Haggerston, where Mr. Justice Bruce and Mr. Justice R. S. Wright differed; and at Great Yarmouth, in which Justice Channell disagreed with Mr. Justice Grantham.

In the case of East Notts I believe that the real reason for Mr. Justice Channell's giving way to Bucknell was mainly on account of these differences of opinion. Had he disagreed with his brother judge the result would have been the same as if he had agreed with him. He therefore preferred to adopt the course which would prevent another precedent for these frequent disagreements. I know as a fact that he regarded such cases as being most unfortunate. With three judges of course no such difficulty could have arisen; and I have never quite understood why the change was made.

These questions of bribery under the guise of charity are very difficult. They are often very near the line; the broad question being whether the giver of this so-called charity was actuated by an honest desire to alleviate distress or whether he was covertly availing himself of this opportunity to give a bribe; and in arriving at a conclusion on such a matter it must always be borne in mind that a man is presumed to have intended that which is the natural consequence of his acts.

The Haggerston case was another instance of the same kind, though the facts were somewhat different to the

East Notts case. In that case, also, there had been great distress in the borough, and the two candidates had likewise agreed to help those in distress by giving them tickets for food and necessaries of a like character. The whole difficulty arose from the unfortunate attitude of the political agent of the sitting member in writing to the local papers to point out what the Conservative candidate had done, and the letter was signed by him in his capacity of Conservative agent. His explanation at the trial was that he wrote the letter with the charitable desire of inducing others to follow the candidate's example, having regard to the sad necessities of the people at that time. The two judges differed widely in their views: Mr. Justice R. S. Wright holding that the agent had been guilty of corruption, while Mr. Justice Bruce took the view that however indiscreet the conduct of the agent may have been he could not come to the conclusion that he had been actuated by any corrupt motive. This was a distressing case in other respects, for very reckless charges were made, not only against the political agent but against the sitting member himself. He was charged with deliberately inducing a son to personate his dead father, and we had to trace the movements of the candidate from morning to night of the day when this man had said he had been asked by the candidate to commit this offence. All these grave charges fell to pieces when the facts were gone into and the petition failed. I never, in my experience, ever came across such reckless charges as were made in this case. It was the first time, by the way, in which the Conservatives had won that borough.

CHAPTER II

Exeter: East Dorset.

THE petition at Exeter, which was tried in 1911, was by far the most exciting one I ever had to do with. In this case I appeared for Mr. Duke, K.C. (now Lord Merrivale), the well-known Conservative, who had been beaten at the election by six votes. No attempt was made on the part of the Conservatives to upset the election for bribery or corrupt practices. They took the bolder line of going "right out" for the seat itself and nothing less. A petition for a scrutiny was therefore presented, and having regard to the smallness of the majority there appeared to be quite a good prospect of success. To those who have no knowledge of the subject I will explain what a scrutiny means. It is an enquiry instituted to find out which of the two candidates had received the greater number of *lawful* votes. For this purpose it was necessary to enquire into the validity of those votes which were challenged on the one side and the other. Particulars had, therefore, to be filed by the petitioner:

- (1) As to the votes he objected to as not being in the form prescribed by the Ballot Act;
- (2) Of the votes which had been given to the respondent as being unlawful by reason of their being obtained either by corrupt or illegal practices;
- (3) Votes which ought to have been given to himself;

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- (4) Personation votes; that is votes which had been given by someone who personated the voter really entitled to the vote.

The respondent had also on his part, to give particulars of a similar character; both sides being strictly confined to the particulars which had been filed.

By this means issues were raised sometimes very numerous and, in many cases, difficult to determine. It thus became a question of the "survival of the fittest"—whose list would survive the longest. According to the ordinary practice in such cases the petitioner had to wipe out the majority and get two ahead before the respondent could be called upon to start his list. Then he had to get two ahead, and so on. In the first place we had to deal with the form of several of the votes. It is quite surprising to see what ridiculous mistakes are made in this respect. The forms of the voting paper would appear to be simple enough. The name of the candidate, with a clear and distinct square opposite to it in which the voter should make his mark; and yet, in order that there should be no mistake about it the stupid voter puts his mark outside of the square, on the extreme top or bottom of the paper, above or below the name of the candidate for whom he wishes to vote. Votes such as these are, of course, bad. Again, voters are carefully warned not to put anything on his voting paper which might possibly identify the name of the voter; and yet they constantly act in direct contravention of this rule. Indeed, in the Bromwich petition there was quite a number of such cases. Well, I had to wipe out the six votes. This I did and succeeded in getting two ahead. Then they got two ahead; and so we went on,

hammer and tongs, for a week; at the end of which time we were equal. On Sunday, at the end of this week, the position was this, as I explained it to Mr. Duke—as he had to go to town for court work of his own—I said to him: “Now, Duke, we are at a very critical stage of this case. If I do not win three cases to-morrow we are done. If I do, then come two personation votes; and if the personator’s vote and the rightful voter’s vote, who has received a pink paper on which to record his vote, cancel each other, then the position will be this: I shall have twenty-one cases left; of these I am certain of *one*; but the other twenty are good for nothing; and so far as the case of the respondent is concerned, I know they will not have another leg to stand on.” Everything turned up trumps and we were again level. Foote for the other side then struggled on until his list was exhausted: then I came in with my one good case, and the victory was won. I then said to the Court: “My Lords, we have succeeded in proving that we have the majority of lawful votes, so that it is quite unnecessary to go further,” to which the Court agreed. All the Conservatives thought that we had won the seat by twenty-one votes. Not a bit of it! At the end of this strenuous fight we had won by *one vote* and no more. To say that Exeter was in a state of wild excitement during the week, as we passed and repassed each other like athletes in a race, is to give but an inadequate idea of how strong that feeling was.

Being naturally anxious to congratulate Duke before taking an afternoon train to London, I asked where he was to be found, and was told he was at the Constitutional Club. Thither I went, simply intending to give him my congratulations, and not for a moment dreaming of the scene

which was to follow. When I went upstairs I was shown into a large room full of a crowd, cheering and shouting, Duke among the rest. Upon catching sight of me he unfortunately said at the top of his voice: "Here is the man who helped to win my petition. Three cheers for Dickens." At this there was a scene. Amidst yells from all sides, for I can hardly describe them as cheers, I was lifted on to a chair by those standing next me amidst cries of "speech." I felt I had to say something, but I thought it wiser to say very little, and my speech came to no more than this: "Thanks very much; we have had a hard fight and I congratulate Exeter upon having Mr. Duke as its member." This little speech was, unfortunately for me, reported in the local papers with the rest of the demonstration. I say "unfortunately for me" because it brought down upon my devoted head a bitter attack from a disappointed Liberal elector from Cheltenham. We had been fighting the Cheltenham petition just previously to this, in which I had appeared for the Liberals. I had a hopeless case to fight there—hopeless from the start; and that the view taken by the Court was hostile to me soon became quite obvious to everyone present. Under these circumstances I did not feel justified in allowing the costs to accumulate against my client and, in his own interest, I advised him to submit to a judgment against him, a view in which he entirely though reluctantly concurred. Hence came the attack from Cheltenham. An infuriated and misguided elector in that town wrote me a letter somewhat in this strain: "Unworthy son of a great father (apparently as an answer to something which Duke had said of me), when you appeared for the Liberals at Cheltenham you wrongly made them settle the case: when you appear for

the Conservatives you cheer the success of their candidate." I need hardly say I took no notice of that letter; but it serves to show what strange misconceptions can arise in the minds of those whose ideas are warped by an over-zealous fanaticism in politics. I should like to quote the letter of thanks I got from Duke, as it was a recompense for much hard work and real anxiety; for I knew how much this victory meant to him in his future political career. I say no more of Lord Merrivale, in accordance with the rule I have laid down not to discuss the merits of any living person; for as we all know and are glad to know, he remains very much alive, though he has left the Bench.

Maryfield,
Exeter,

14/4/11.

My dear Dickens,

Very many thanks. But your little speech was perfect, and I can indeed never forget the nine days, more or less, we spent together. Don't be too modest about your achievement, we couldn't have done it without you. I know.

Always your obliged admirer,

H. E. Duke.

The East Dorset case is one which must necessarily appeal to all prospective candidates for Parliament; for it exemplifies very clearly that which a prospective candidate may lawfully do and that which may prove fatal to him when his election takes place. Very often a candidate for a constituency is chosen some considerable time before a vacancy occurs. What is his position? How far is he en-

titled to urge his own claims in the constituency for which he is ultimately to stand? The East Dorset case is of importance because it points out in the plainest language that which he ought *not* to do.

It must be remembered that an "illegal practice" with regard to the expenses "of and relating to" the election is one which the courts rigidly enforce. A candidate is not allowed to expend more than a certain amount, which is fixed according to the number of voters on the Register. If he does so and does not get "relief" from the Court his election will be upset; and in most cases no "relief" from such an illegal practice is likely to be given. A prospective candidate is clearly entitled to attend meetings or to write propaganda for the political education of the people and for giving expression to his political faith. He may even "nurse the constituency," which means making himself popular with a view to his ultimately taking part in an election; but "nursing" is very near the line and must be carried on with a considerable amount of discretion. He will probably find it impossible to avoid any mention of his future campaign, but it depends upon *how* he does it. If he blankly puts it before them, or does so by way of innuendo—I am fighting now for the election which has yet to come—he goes far to make the expenses of that particular meeting an "election" expense.

If a prospective candidate opens a bazaar or lays a foundation stone or takes the chair at a charity meeting he may no doubt be indirectly tending to promote his election when it comes, but that fact does not of itself make the expenses connected with these functions expenses "of and relating to" the election. The line must be drawn between meetings called with the direct and immediate object of

advancing the election of the candidate and meetings called for another object, from attendance at which the candidate only derives some indirect or remote advantage. On the other hand if a candidate assumes the position that he is not merely considering something which may happen in the distant future, but is so acting as to put himself and his candidature in such a position as to be quite ready at any moment for the election whenever it comes, then there can be no doubt I think that his expenses so incurred would have to be taken as expenses of and relating to his election when it takes place.

There was some discussion at one time as to the date at which an election commences for the purpose of estimating the cost. It was once supposed that it began with the writ; at another it was suggested that it began with the date at which a candidate is adopted by his party. Both of these views are wrong. The date of its commencement depends on the facts of each particular case. It is a pure question of degree depending upon the acts of the candidate and of those who are acting with his authority. In the East Dorset case Captain Guest was adopted as prospective candidate on April 29th, 1908; the actual election was on January 27th, 1910.

The sitting member is, of course, in a far better position. He may do many things in his capacity of member for the constituency which might be looked upon with suspicion in what is called a "carpet-bag" man." Subscriptions to local charities or to local sports or such-like are common to members of Parliament. Prospective candidates, if resident in the constituency, are perfectly entitled to give such subscriptions; but in that case they should be careful not to give more than ordinary gentlemen of their

position are giving; while, if they be not resident, they would be wise to abstain from giving anything at all.

The petition in this case was presented by the Conservatives against Captain Guest, of the family of Lord Wimborne. There was some bitterness of feeling at the time against the Wimborne family, because of their having changed their politics, or "ratted" as the saying is, about four years before. When I was first consulted as to the chances of success in a petition for corrupt practices, I advised that there was little chance of success in such a petition, although there was a serious charge of unduly influencing the tenants of Lord Wimborne by his estate agent; but I advised them carefully to investigate whether there had been serious cases of "illegal practices," especially in relation to the expenses which they had been put to "in and about the election."

The party, however, made up their minds to start a petition at once alleging both corrupt practices and illegal practices as well. My junior, Mr. Lewis Coward, then shut himself up in the British Museum and went through the file of local papers for many months preceding the holding of the election. The result of this investigation was laid before me at a second conference, when I advised them to go "full speed ahead"; for it was quite clear that Lady Wimborne had been practically carrying on an electoral campaign from April 29th, 1908, the date of Captain Guest's adoption to the date of the election itself on January 27th, 1910, not only by meetings but in various other ways, which clearly made at least some of them expenses of and relating to the election. There was nothing like bribery in the matter; and I have little doubt that, singularly unfortunate as her conduct had been, Lady

Wimborne had no corrupt intention in her mind when promoting the interests of her son.

She gave evidence, of course, and her manner of doing so was quite charming when I cross-examined her. She fought hard; but I had the advantage of having a record in black and white which could not be disputed. Upon these facts the Court held that much of this expense, though not necessarily all of it, was an expense "of and in relation to the elections," and must be added to the expenses of the election incurred after the writ. This brought the expenses far above the maximum allowed by law, and the election was, therefore, set aside. The issue of unlawfully influencing the tenants of Lord Wimborne failed on the ground that though the fact of agents on the estate keeping watch at the polling booths where tenants were giving their votes was indiscreet, the Court were of opinion that no harm had been done.

Mrs. Winston Churchill, an in-law of the family, was very kind and sympathetic to me, although I was doing my best to unseat Captain Guest. When the whole thing was over she said to me: "Mr. Dickens, it will not be long before we women will find ourselves in Parliament. When that day arrives I shall give you a general retainer in any petition to which I may be a party." Her prophesy has been justified, though the time has gone by for general retainers—so far as I am personally concerned.

There was a curious coincidence in connection with this petition. When we were fighting the election at Pembroke, Queen Victoria died. The judges, not feeling quite satisfied as to whether they should adjourn or not, called in myself and my opponent to consider the matter. We both came to the conclusion that the case should pro-

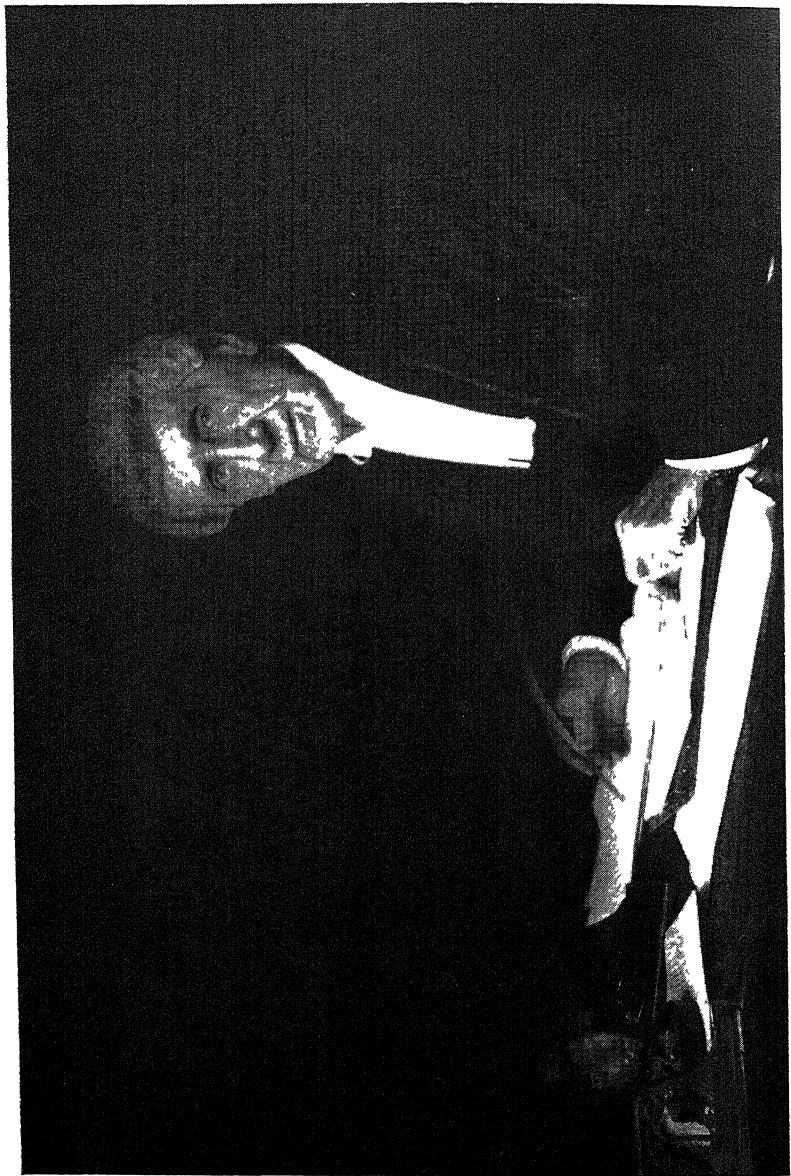
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ceed in the ordinary way, being of opinion that that would be the wish of royalty itself.

In the middle of the hearing at East Dorset King Edward died, and the two judges—who were not concerned in the Pembroke case—called in the leaders on both sides as was done in the Pembroke case, when I was in a position to quote that case as a precedent. It was, therefore, arranged that the case should continue, but that we should adjourn over the week-end to give the judges the opportunity of attending the funeral.

PART VI

COMMON SERJEANT



The Author as Common Serjeant

CHAPTER I

My appointment as Common Serjeant: The post explained: The jurisdiction of the C.C.C.: My experiences: "You ain't a patch on your father": An extraordinary outburst in Court.

AFTER my circuit as Commissioner I began to experience the difficulty which arises in the case of all men in practice who do not get preferment. Younger men arise who, little by little, get much of their practice. This is inevitable and cannot be avoided. In 1917 I found no improvement in this respect, and I began to get rather troubled in my mind; until one day I met Sir Albert Bosanquet, K.C. at the Temple. He was then the Common Serjeant, a post which he had held for eighteen years. He was also a fellow Bencher of mine at the Inner. I have always wondered why he was never raised to the High Court Bench; for he was really a great lawyer and proved to be an excellent judge. "Dickens," he said on this occasion, "how do you get on with Finlay, the present Lord Chancellor?" "My dear Bosanquet," I answered, "I have known Finlay all my professional life, and he has always been most kind to me." Indeed, I may add, I knew privately that he had been somewhat distressed at my having been passed over. "I ask you this," said Bosanquet, "because if I can feel satisfied that you would be appointed to my place I shall retire at once. If not I shall continue where I am, as I feel I have still many years in which I could go on with

my work. I want you to get this place, for I feel you ought to have it." It was of course impossible for Finlay to be a party to any such bargain; but everything pointed in one direction and Bosanquet resigned in October of that year. This action on his part was the most generous and kindly one that I think I ever experienced. My appointment quickly followed; and I took my seat as judge in the Central Criminal Court in the same month of November, 1917.

There is rather a good story about Bosanquet and Frank Lockwood. Bosanquet was rather a solemn man both in looks and manner, though as a matter of fact he had a strong sense of humour. At this time there was a judge named Gainsford Bruce, who might well be called "sound but dull." "Bosey," said Frank one day, "I think you are the dullest man I ever met." "Yes?" replied Bosanquet absently, "but have you seriously considered the case of Gainsford Bruce?"

Now began for me a term of fifteen years, which I verily believe were the happiest in my life. A fine position, well paid, with duties in the Central Criminal Court which were most important and interesting to me and a position which opened up my connection with the city which brought me many kind and devoted friends.

I have often been asked what is meant by the words "Common Serjeant," and what functions attach to the position. Indeed I have often had letters addressed to me as "The Common Sergeant" (spelt with a "g"). This would make me out to be a very indifferent sort of policeman. It must be spelt with a "j," in the same way as the old order of the Coif of Serjeants Inn, long since abolished. The word Serjeant in this connection is taken from the

Latin expression "*serviens ad legem*." Included in his functions is that of attending the meetings of the Liverymen in the city, which go by the name of "a Common Hall," on which occasion the elections of the Lord Mayor and Sheriffs are conducted under the direction of the Common Serjeant. Hence the name "the Serjeant-at-law in the Common Hall," or, for short, "The Common Serjeant."

The first recorded Common Serjeant, Thomas Juvenal, was appointed by the Mayor, Aldermen and Sheriffs in 1291, but the record shows that the office was well-established and no new creation. The Common Serjeant was regarded as representing the Mayor and Commonalty and the consent of the latter is first mentioned in 1319; but since 1888 he is appointed by the Crown though paid by the Corporation. He is one of the High Officers of the Corporation and by virtue of his office becomes a Judge of Assize at the Central Criminal Court, with all the powers and jurisdiction of a High Court Judge. The jurisdiction of the Central Criminal Court is the largest in the world, not only covering as it does many of the surrounding counties, but by a recent Act of Parliament, cases can at any time be transferred from the local Assizes to London to avoid delay in the trial; and also for other reasons which it is unnecessary to go into. Criminal Sessions have been held at the Old Bailey from very remote times under special commissions, under Charters of Henry I and Edward III, and the present Court was constituted by the C.C.C. Act, 1834, and was made a branch of the High Court by the Judicature Act, 1873. If a murder takes place on a British ship in China, for instance, the murderer would be tried at the Central Criminal Court. That is what

took place in the well-known case of the shipwrecked men who, after drifting in an open boat for days without food or water, from sheer desperation, after drawing lots, killed the boy in the party to save the lives of the survivors. This was based on the old argument: Suppose two men in the sea to be holding on to a spar which will not hold more than one, one of them from the necessity of self-preservation pushes the other off, is he guilty of murder? The law says "Yes," but of course the punishment for murder is not carried out. In the case of the boy, I think, the judgment passed upon them was six months' imprisonment. It will be seen from this how vast is the jurisdiction enjoyed by the Central Criminal Court. The calendar very often contains cases of fraud which call for a long and complicated enquiry. We have had an example of this in the recent arson case which lasted into the seventh week. Before that case I thought I held the record in the highly-complicated "Land Purchase Frauds," which took me over three weeks, or in the "Terah Hooley" case—a large cotton mill fraud which created much sensation at the time—which it took me eleven hours to sum up. My record was easily beaten, but I doubt very much whether there will ever be a repetition of the arson case or anything approaching it. One of the dullest of all the cases of fraud is what is called by the name of a long firm fraud, in which men obtain goods on credit knowing full well they cannot pay for them, and never intending to do so. These trials must necessarily be long, as it is only by putting forward a large number of such cases that the jury can tell whether the conduct of the accused parties to the conspiracy are dishonest or not. These cases generally came into my court, so that they presented no difficulties to me.

The losses to traders by reason of these frauds were enormous. At one time I had statistics put before me to show that they amounted to over twenty-five million pounds. I am happy to say, however, that we have succeeded in pretty well "scotching that snake."

When I first started my work on the Bench I was strongly impressed with the view that a judge was not there merely to condemn, but to save; and I have always attempted to keep that aspect of the case clearly in my mind. One kind word from a judge in season does far more than a host of sermons could do—I have had young men standing before me dour and sullen, wondering "what the old chap up there was going to say." I have often discounted this by telling them that I was not going to talk to them like a judge, but merely as an old man with some experience of life. At this a boy would begin to look up and listen to what I was talking about, and when I went on to say: "You are not a bad fellow, you know; you have been a fool, but there is good stuff in you," his manner would completely alter; and if he was then given a helping hand it is probable that he would never again be seen in a criminal court. A hard, unfeeling judgment on the contrary is far more likely to remove any feeling he may have of contrition or any good resolution he might have formed to wipe out the past.

I remember one such case in which the boy was of rather a more promising aspect. His father, quite a rough, common-looking working man, was much distressed and made a strong appeal to me for mercy. When I had bound the boy over in joint sureties with his father, the latter walked towards the dock to shake his son by the hand. To do this he had to pass in front of me, and,

as he did so, with a look of relief on his face which attracted my attention, he turned to me and then uttered: "God bless you, my Lord." I do not think anyone in court noticed this, but I did; and I have never forgotten it. It may be said: "Oh! there's nothing much in that." Maybe—maybe—yet it touched me at the moment more than I can say.

On the other hand a judge sometimes meets with quite a different sort of greeting. On one occasion I was sentencing a very old hand—a "lag" of the worst kind—with all the dignity which the occasion required, when he interrupted me by saying: "You ain't a patch on your father." "I quite agree with you," I said. "What do you know about my father?" "Oh! I have read all his books." "Where?" I said, knowing that he had been in prison most of his life. "Well, I have read some in prison." "Have you?" I said; "that's capital; for you will now have eighteen months in which to resume your studies."

There is another episode which, although it was of little account in itself, struck me at the time as showing how often it is that the real man does not express, in words or looks, what lies behind the surface of his face. A woman was on her trial for bigamy. She pleaded guilty and the husband was called to give some formal evidence. He was a very ugly, insignificant and uninteresting little man. His manner was quite impassive, almost sullen; but when about to leave the box he said to me: "Is it allowed, my Lord, for a man to speak a word on behalf of his wife?" "Certainly, my man. I shall be only too glad if you will do so." Then he broke out: "She is the best wife a man ever had; she is a

good woman, a fine woman; there never was such a kind mother. She has been led away." He was absolutely transformed—the little man was vibrating with the emotion he felt. His face had become striking, almost inspired. "Would you take her back?" I said. "Take her back? Why, of course I will take her back!" I then turned to the woman and said: "You have left a husband who has a heart of gold." The woman, who had been greatly agitated, fell down in a faint. She soon recovered and they left the court *together*. Another small matter, no doubt! But it is these little things that live in one's memory.

CHAPTER II

A sanctimonious Witness: A sad case of Bigamy: A Lunatic Wife: The Law of Divorce: Should it be remedied?

It was my habit, in trying a long case, to add a little touch of humour from time to time to keep the jury interested. On one occasion I was induced to go possibly a little too far in that direction. A woman was called on one occasion, highly sanctimonious, who looked down upon us all as quite inferior people. Her manner annoyed the jury as well as myself. She was cross-examined and she did not like it at all. At last she clasped her hands and looked up to heaven, or rather the roof of my court, which was as near thereto as she could safely get, and said: "Do you suppose I should be saying these things in the presence of my Lord if they were not true?" I turned to the jury and said: "Gentlemen, I suppose she is alluding to me." She had been so aggravating that I thought a little rebuff was excusable.

In an earlier part of this book I mentioned a case of bigamy, in that of a man whose wife was a confirmed lunatic. The case was this: The man was charged before me and pleaded guilty. The police, who were very sympathetic, told me his story. He was a man of excellent character, whose wife had become insane at an early part of his married life; and at the time of her becoming so he had two girls and two boys. There was no question as to the mental condition of the wife: she was hopelessly

and incurably insane. One of the prisoner's sisters looked after his two little boys, while a good woman of excellent upbringing lived with him and brought up the two girls. Their life was quite a happy one; but as the girls grew older it became of importance to them that the household should be better regulated; so he and the lady with whom he was living, in order to do so, went through the form of marriage. Some unkindly neighbour seems to have informed the police of this, consequently they had no option but to prosecute him. It has been suggested in a letter in *The Times* that the police should have an option in the matter. I disagree. I think it would be inadvisable. In passing sentence upon the prisoner I said this: "Prisoner at the Bar, you have broken the law; but "you have done no injury to any mortal person on this "earth. Your poor wife has long since been dead to the "world; dead to you. Yet the law in its wisdom compels you to carry the burden of having this poor creature "as a wife, so long as you and she remain alive. You are "to continue to be bound in law by those vows which have "long since lost any meaning either for her or for you. "You went through this form of marriage in order to "make the lives of your two girls easier and happier; "and for no other reason. As a judge, I have to condemn "you; as a man, I cannot bring myself to do so. You have "my sympathy and I doubt not that of all kindly disposed people. You will be imprisoned for one day, "which means that you will be at once discharged."

Great efforts have been made to alter the law of divorce to meet such a case as this, but as yet unsuccessfully. The view taken by those who oppose any such change is founded, no doubt, upon the complications which might

ensue if the poor lunatic recovered his or her senses. I should have thought that in these days of scientific thought, and with the profound knowledge of the brain and its structure which medical men have gained, the possibility of any such likelihood might really be ruled out. This case I think goes strongly to support the view entertained by a very large section of the public, whose efforts to alter the law meet with my warmest sympathy.

In the case of the incurable lunatic, the lunatic is for all practical purposes dead to the world; and in altering the law Parliament would only be giving effect to that fact and releasing the man or woman from a tie which has lost all meaning for both of them. The opponents of such a change lay stress on the danger which may arise in the future. There is a case of an analogous kind. A person disappears: no trace can be found of him or her, as the case may be. After a certain time has elapsed an application is made to the Court to presume the death as having occurred at a certain date and an order is made. There is a possibility in such a case that the absent person may appear some day. This is a possibility that the Court, in a proper case, feels should not stand in their way. Why should not the Court assume an equal responsibility in the case of an incurable wife or husband? There seems to be far more danger of such an eventuality in the case of a person who has disappeared than in the case of the "dead-alive" lunatic, whose state of mind can be fairly accurately diagnosed. I gather that the committee who have been considering the question have suggested that in the event of a case of lunacy having been ineffectually treated for five years they are prepared

to agree in the proposed change. So far so good. I should have preferred the proposed change if the term of probation was somewhat shorter.

There remains the further change in the law which is suggested in the case of a man who has been sentenced to penal servitude for life. No doubt such a case presents greater difficulties because in that case the husband must, if he lives, inevitably go back to his wife some day. But the argument in favour of an amendment of the law in such a case is founded on reason and justice. A life sentence means as a general rule detention in a prison for at least twenty years. So far as the poor wife is concerned the man is as dead to her as though he had ceased to live. As the years roll on she must necessarily alter her mode of life to adapt herself to her altered conditions; so makes new friends, forms new relationships; and can make her life a happy one, relieved from the burden of her husband's grim shadow. The twenty years are over. He is released. A hideous spectre is introduced once more into her life. The new home is broken up and misery again raises its threatening head; and if there be children of the marriage the situation becomes more tragic still. In such a case I cannot conceive the ground of objection to such a change. It must be remembered that the suggestion merely is that the wife should have the power and the option to divorce the husband; no more than that; and I do not see that the husband in such a case deserves much sympathy.

One might really carry this argument further still; because the same tragic results would follow in the case of a sentence of twenty years' penal servitude, which means at least a detention of thirteen or fourteen years.

I understand that the Committee have suggested as a ground of divorce "Seven years' absence or silence." I do not quite know whether "absence" is intended to include absence in prison. Even if it does this would not apply to a sentence of ten years' penal servitude; for in such a case the actual detention would be under seven years.

Of course these observations apply equally in the case of a woman criminal; but it is rare for a woman to be sentenced to these long terms of penal servitude.

When I retired in October, 1932, I wrote a letter to *The Times* on the subject of "Crime and its Punishment." This letter so fully discloses my views on this important subject that, with the kind permission of the proprietors, I reproduce it here as a separate chapter.

CHAPTER III

Crime and its Punishment.

THERE has been much discussion of late in the public Press on the subject of crime, its punishment, and as to the best means of dealing with it. This is not to be wondered at seeing how vast and general is the importance of the question, an importance which has been enormously enhanced by reason of the alarming aspect which crime has assumed at the present day. No one who considers the question can possibly minimise its gravity. It is of vital import and must be effectively met if the safety of the lives and property of the community is to be preserved.

Now that I am no longer on the Bench I feel I can, with propriety, consider this question in the public Press, and I propose to do so from a judge's point of view, which deals more particularly with the imposition of punishment, and in doing so I have endeavoured to bring to bear my experience of fifteen years as a judge at the Central Criminal Court.

The most difficult as well as the most anxious part of a judge's duty in trying a criminal case is that of fairly adjusting the punishment to the needs of the particular case before him.

As a very well-known and experienced judge said to me one day: "You will probably agree with me that the trying of a case is as easy as shelling peas. The difficulty begins

when the question of sentence arises." The sentence is, of course, open to review by the Court of Criminal Appeal, or by outside critics, though in the case of outsiders such criticism is rarely well-founded, as they have not the material before them on which they can safely base their opinions. Before the judge the facts are fully enquired into, every detail of the prisoner's life is considered and a kind of atmosphere is created in court which helps him to a fair conclusion; an atmosphere which is, of course, entirely absent in the case of those outside who pass judgment on those who judge.

In dealing with this subject one has necessarily to discuss in the first instance from what point of view and with what end should the consideration of such a question be approached. To begin with, one vital point should never be lost sight of, namely, that the real and main object of punishment is to deter others, to prevent crime in the future and put it out of the power of the particular offender to prey on society. This sounds and is in fact a truism, but it is one which has in the past been often lost sight of and indeed often wholly ignored. Revenge or anger should not be allowed to enter into or dominate the judge's mind. Now no one who knows the facts can deny, I think, that the sentences passed in the last century, even as late as the 'eighties, were quite appalling in their ferocity. I can use no milder term. In the cases where prisoners have been charged with being habitual criminals the accused have often drawn the judge's attention to their first conviction years ago, and urged that they never had a chance. I have tried many such cases and have been shocked at the manner in which the prisoners used to be treated at the outset of their lives. Such sentences were often out of all proportion

to the heinousness of the particular offence. Severity of this nature must, of necessity, defeat its own object. It hardens the prisoner, embitters him against society and crushes his whole life to such an extent as to make reform impossible. The inevitable result followed. There was a swing of the pendulum and leniency became the order of the day and, one might almost say, in many cases of late years has been a bit overstrained. This again defeats its own purpose, for it tends to become purely sentimental and wholly loses its value as a deterrent. In any case it is clear to my mind that the punishment for a crime in a particular case should be commensurate with the necessity and exigency of the time, having regard to the prevalence of that form of crime then existing.*

As matters stand at the present time it is especially essential that sentences should be exemplary and effective enough to meet new forms of crime which now confront us; a consideration which is of the utmost importance and should be steadily borne in mind. The importance of this must be apparent to anyone who watches current events. The present state of crime in this country is, as I have said, undoubtedly most alarming—alarming in two respects. Firstly because its principal characteristic is violence, and secondly because of the extreme youthfulness of those who take part in such offences.

The present means of mechanical transport has, as it has been well said, revolutionised crime. The quick “get-away” ensures in the large majority of cases the chance of escape. The police are heavily handicapped. The crime itself in such deeds of violence is of a peculiarly cowardly,

* I have somewhat qualified the language I used in my original letter because it appears to have given a wrong impression as to what I intended to convey.—H.F.D.

callous and brutal nature. What can be simpler? Steal a car which has been left unattended, drive it along a highway, even a busy one, mark down your victim, either man or woman (it does not matter which) walking along the footway unconscious of danger, knock him or her on the head with a hammer or some other deadly instrument, seize what can be found, leave the victim unconscious and bleeding by the roadside and away in the car—to safety.

This is the kind of thing which is actually taking place every day and many times a day in all parts of the country, and, more often than not, with complete immunity, while our calendars are crowded with cases of “breaking and entering.” Assuming for the moment that the man happens to be brought to justice. What results? The accused are found to be young men, under twenty very often, with no previous convictions. It is curious how they trade upon this. They appear to have a fixed idea that whatever they do their trial can only result in their being “bound over.” I had a case a short time ago in which I had to disabuse two young boys of eighteen or nineteen of such a notion and send them both to prison.

Again, even assuming they are brought to trial, these impudent and brutal young men, what is likely to happen? It is a strange trait in human nature that the hunted creature at once gains the sympathy of the public and of the jury who try them. “Poor young men? Why, they are mere boys!” Their brutality is forgotten, their violence condoned. No kind of sympathy is felt for their suffering victims. An acquittal results or conviction is followed by a leniency which, in such a case, is not only wholly out of place but highly dangerous in its after effects.

I, in common with other judges, have of late years acted

on the assumption that generous leniency should if possible be extended to the criminal, but leniency in such cases as I have been describing would be false sentiment misapplied. They can only be dealt with in one way, that is by the infliction of severe and salutary punishment regardless of age or of previous good character. Such a course of conduct might be considered harsh, but the harshness, if any, is excused by its undoubted necessity.

As a matter of fact, however, there is no such harshness. The persons likely to commit such offences, be they young or old, should be taught by stern measures what is likely to happen to them as a result of such crime; and if, in the face of such warning, they choose to wage war upon society, they have only themselves to thank for any unpleasant consequences which may follow upon their so doing.

Looking at the question from another point of view. Of offenders who are brought before the courts some may be said to stumble into crime, others are led into it by extreme temptation and weakness of will, others from sheer want or despair. These are the cases which I may call "pardonable crimes" and which appeal to one's legitimate sense of pity, and as such should be treated with the utmost leniency as being mere passing "phases" in the life of the offender. It is in such cases that kind people either singly or in combination can help the offender back to the paths of honesty. On the other hand there is a totally different class of criminal, the one who intentionally preys upon society, who absolutely declines to live by honest means, who is not open to reform and remains a continuous source of danger to the community. I do not pause here to point out how limited are the powers of the judges and

the extent to which they should be amplified. I will merely say that I thoroughly believe in the efficacy of the "cat," which might well be administered in such cases as blackmail and "hold-ups" or "smash and grab" or "breaking and entering," even where no bodily violence is used. It must be remembered that many years ago there was a brutal form of crime known as "garrotting." Flogging was tried as a preventive and this form of crime ceased. It has been a matter of dispute as to whether this was occasioned by reason of the flogging, but there is no gainsaying the fact that the offence ceased very soon afterwards. With regard to its efficacy, I was very much impressed by what I heard on the occasion of a visit to one of the great prisons. I wanted to see a "cat-o'-nine-tails." A warder fetched one and, as he laid it on the table, he said with the utmost seriousness: "My Lord, this is our life preserver. Without it our lives would not be worth an hour's purchase."

What is the reason for this "wave of violent crime"? To what is it to be attributed? It has been said that it is nothing more than the aftermath of the war, or the immediate result of unemployment. This may very likely be said of the "pardonable" cases which I have dealt with, but can it be said that any such cause is accountable for the present young professional criminal and his ways? Looking at this question a little deeper, there are two outstanding features of this present generation which have forced themselves on my attention. The first is that I have found a sad "loosening of family ties" and the other is the prevalent weakening of the "will to work." It is to these two blots in our body politic to which the well-intentioned reformers should direct their attention, for these are the poisonous

elements out of which crime is made. I do not myself believe that crime is hereditary in the true sense of the word, but that it comes from association and so passes from father to son is fairly obvious.

There is one other feature in criminal administration which cannot and ought not to be lost sight of. If punishment is to be effective as a deterrent, prisons must surely be places to be avoided, while the labour imposed should be of such a character as to make a man shrink from undergoing it. I wonder what "hard labour" means nowadays? What of the administration inside the prison? We must take care not to fall into the dangerous habit of "molly-coddling" the inmates or even of making their prisons "happy places for criminals to live in." Are not good and kind-hearted reformers of prison life in danger of going a little too far in that direction? The prisons are meant to smash crime, not to invite it. The obvious way to avoid such a contingency is so to arrange the prisons as entirely to segregate the real professional criminals and to keep them wholly and entirely apart from the others. Much has been done to this end in particular prisons, but this must be ineffective unless the prisons they are confined in are entirely separate and distinct, with totally different discipline and independent rules from the others.

CHAPTER IV

The Benchers of the Inns.

BEFORE concluding this branch of my subject I propose to say a word on the subject of the Benchers of the Inns of Court.

I was elected as a Bencher of the Inner Temple in 1899 and acted as Treasurer in 1922. The Benchers of the Inns of Court have played so prominent a part in the history of our jurisprudence that it may be of interest to those outside the profession to pause for a moment to look back upon their records, from which we can gather a fairly good impression of their doings in the early part of our history.

The late Mr. Inderwick, K.C., a very well-known leader in the Divorce Court and a very distinguished and popular member of our Inn, has collated its records from the time of the latter part of the reign of Henry VII to that of Queen Elizabeth, all previous records having apparently altogether disappeared. Glancing through these records one day I was struck not only by their quaintness, but also by the light they seem to throw upon the habits and customs of our predecessors and of the kind of discipline which was enforced by the Bench at that period of its history.

The Temple, as it was originally called, consisted of one entire community of the two Inns which now go by the name of the Inner and the Middle Temple; but somewhere between the insurrection of Wat Tyler and the

accession of Henry VI they were separated; since which time they have been entirely distinct communities. The records to which I am referring apply, I may add, entirely to the proceedings of my own Inn. At one time the governing body consisted of a certain number of so-called Governors elected by the Bench; but Governors ceased to be appointed after October, 1566, since which date the governing body has been the Benchers of the Inn as a whole. There was also, and still is, a Treasurer elected yearly, a Reader and in the old days a Master of the Revels who played a great part in the masques and other entertainments which were so popular in the time of Elizabeth.

The Benchers themselves are elected to the Bench from among the members of the Inn, either leaders or members of the "outer" Bar, at their discretion; though care is always taken that there should be an adequate number of the "outer Bar" amongst their number.

The Bench exercise very wide powers over the internal discipline of the Inn as a whole, and they have full jurisdiction to suspend one of its members or even to disbar him, with a right of appeal to the judges who are the visiting body of the Inn. They have also the duty of dealing with the legal education of the students, which is now regulated by a joint committee of all four of the existing Inns of Court. The educational work of the Inn is, I may add, quite thorough in its system and form of legal study. In glancing through these records prior to and during the reign of Elizabeth, we can form a fair idea of the state of things in that period. We find that at the ordinary dinners of the Inn of both Benchers and Students, they were served on wooden platters and the drink was drunk in ashen cups, until 1560, when the use of wooden mugs was abandoned

and earthenware pots and jugs with a green glaze were substituted for them. The practice of drinking from wood appears to have been of very ancient date in the Temple. The hall in which the meals were served was strewn with rushes and was lighted by candles and occasional torches, while a blazing fire was made in the centre of the hall. It is curious to note that in the various entries of articles in use at that time there is an absence of anything in the nature of a fork; and although in the time of Elizabeth they were occasionally used for eating "green ginger"—a great delicacy of the period—they do not appear to have come into general use for the table until the following reign.

In the reign of Henry VIII, in about the year 1546, the internal discipline of the Inns began to assume very considerable proportions, for we find this entry in the old vernacular:—"Memorandum: It is further ordered that "the gentelmen of the companyschall reforme them selffes, "in their cutt or disguysed apparell, and shall not have "long berdes and that the thezauror shall provide with "the other thezaurours of court for a unyform reformation "therein."

Later, in the reign of Queen Mary, the discipline was so strict and personal that a fine of twenty shillings was threatened upon every barrister who wore a beard of more than three weeks' growth; a threat which caused several of them to warn themselves out of commons rather than comply with the order. In 1556 we read of certain barristers who misbehaved themselves contemptuously towards the Benchers, being actually committed to the Fleet prison and expelled from the Inn, though they were re-admitted after due apology had been made.

In the year 1557 a further sumptuary edict was promulgated, in which it was ordered that no fellow of the Inn under the rank of a Benchler should keep a boy or lackey in the house under a penalty.

Before the time of Elizabeth masques and other entertainments were held in the Inns at certain periods of the year, in which all the Inns took their share. The members of Gray's Inn, in particular, have many interesting traditions of the masques which were held in their hall, especially in Elizabeth's time. Early in that reign a great innovation was introduced, which was that of performing dramatic plays in the various halls; for at this time there were no public theatres or places of that sort where dramatic pieces could be played. I find in Mr. Inderwick's introduction that the first playhouse in London, called "The Theatre," was built by Burbage about 1577 in the Fields of Finsbury; but this was scarcely attended, by reason of its bad character and its dangerous surroundings. The Blackfriars Theatre was not built until 1596-7; and the well-known "Globe" in Southwark was not opened till 1600. Such pieces were therefore played in private houses of the nobility, in the halls of the Colleges at Oxford and Cambridge, in the Inns of Court, or before the Queen, either at Whitehall or other royal palaces. The first of such performances I can find in the records as being played in the Inner Temple hall was a tragedy written by two members of the society and played by them in association with other members of the Inn. This was afterwards repeated by the same company before the Queen at Whitehall on January 18th, 1561.

It must be remembered of course that the present hall of our Inn is of quite recent date, the old hall having been destroyed by fire.

In October, 1601, we read that one Robert Pye, a member of the Inn, was disbarred and expelled for his treacherous practice towards another outer barrister of the same Inn, a case which is typical of the brutality of the time. It is unnecessary to go into all the facts of the case, which are somewhat complicated. Pye appears to have been a very misguided, violent-tempered kind of a person; but he does not appear to have made any actual attempt to murder or to rob by violence, whatever his intention might have been. However, he was tried before the Star Chamber and found guilty of perjury and that "he had intended murder and robbery in his heart, which was an offence before God," and he was sentenced by the Lord Keeper to pay a fine of 1000 marks, to be pilloried at Westminster and there to lose an ear; to ride with his face to the horse's tail, with a paper stating his offence, from Westminster Hall to the Temple Gate, where he was again to be pilloried and to lose the other ear, and in addition a term of perpetual imprisonment; a sentence which was carried out in every particular, and he died in prison. In giving judgment the Lord Keeper "exhorted them that "have authority to admit to the Bar, to have cases to name "those that were literate, honest and religious; for the good "and literate professors of the law are as good members "of the commonwealth as any others; but the ignorant and "bad professors of the law are as *dangerouse* vermin to the "commonwealth as caterpillars."

All this is very quaint reading and indeed affords us a useful epitome of the times. Pye's case, however, must appear to us as being horrible in its vindictive cruelty; though I suppose at the time, it was quite in the ordinary nature of things, and did not call for any special comment.

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PART VII

THE WAR AND THE DEATH OF A SON

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CHAPTER I

*My Readings for the Red Cross: A Sad Bereavement:
Shell-Shock: The Garden Grave on the Field of Battle.*

AFTER my work as Commissioner was ended in 1912, I began to experience the fate of all men who have not been fortunate enough to have got an appointment on the Bench or otherwise. As time goes on younger men come into the competition in the circle of silks, and take away much of the work which at one time came their way. Then followed the war, which upset everything; and I began to find my income steadily diminishing; so much so, that I began to wonder what the future had in store for me. When the war began I was, of course, far too old for any form of active service; so I approached Sir Robert Hudson, who was then at the head of the Red Cross Society, and asked him whether there was any service I could render to them. He said at once: "You are the very man we want to help us with our greatly-needed funds. You have been in the habit of reciting various readings from your father's works for charity. Go round the country and do this for us; and you cannot do us a greater service."

This struck me as being an excellent idea, so the matter was put on a business footing; a manager was appointed to carry out all necessary business arrangements and to make provision for my personal comfort during my tour. Wherever I went, I was always honoured by being re-

ceived as a guest in one of the principal houses in the neighbourhood. My tour began early in the month of October, 1914, and proved to be most satisfactory, both to myself and to the Red Cross Fund. One of my first hosts was Lord Sheffield, at Alderly Park. On that occasion, knowing that Mr. Asquith had been their guest the previous week-end, I asked Lady Sheffield if he had given her any idea as to the probable duration of the war. "Oh yes!" she said. "He thought it would be over in the spring!" I ought to state here that Lord Moulton, who was at the head of the Explosives, told me afterwards that this was not such a wild notion as it might appear to be, for, if the Germans had not had the secret of extracting the nitrates from the air, the war could not have lasted six months.

I read in many towns, and in some cases before most excellent audiences. My readings, or recitals rather—for I never used a book—were those which used to be given by my father: *David Copperfield in six chapters*, *Dr. Mari-gold's Prescriptions*, a story which had been written for one of the Christmas numbers of *All the Year Round*, *A Christmas Carol*, *The Cricket on the Hearth*, *The Chimes*, *Mr. Chops the Dwarf*, and *Boots at the Holly Tree Inn*; all "cut" as my father cut them for his own use. The most enthusiastic of my audiences was one at Bath, where I read *David Copperfield* and *Mr. Chops the Dwarf*, the whole recital lasting just about two hours, the interval being occupied by an interlude on the violin played by my daughter Elaine, otherwise called "Bobby"—now Mrs. Alec Waley. They had to turn away several hundreds of people I was told, and the Town Hall was crammed. At the end of the recital the ladies flocked into my room for

my autograph—"Certainly, ladies, certainly; ten shillings apiece please, for the Red Cross."

After one of these recitals at Leeds my daughter received this letter from one of the audience whom she knew: *I had such a treat last night, that the five shillings I paid for a stall does not present a sufficient return for the pleasure I enjoyed*—and he enclosed a cheque for £50. On future occasions, in returning thanks to my audiences, I used to tell them this story and add: "If your liver is in good order to-morrow morning when you get up, and there is nothing to spoil your breakfasts, you might just as well bear this little story in your minds, and if you care to send a further guinea or two for the benefit of the Red Cross I shall be more than pleased." This had good results.

I had a wonderful audience, also, in the Middle Temple Hall where I took about £110. In the end I presented the Red Cross with a cheque for £1200. When I handed over the money I said that I should like it appropriated to some particular use; and not spent for paper or things of that kind. They expended the greater part of it in setting up one of the latest electro-therapeutic installations, for use in one of the war hospitals at Boulogne occupied by officers, and the head surgeon drew up a placard explaining the nature of my tour, and got every officer who underwent treatment from this apparatus to append his name to it. This I keep as a memento, and the first name which appears under my own is that of General Allenby.

The war brought us a sad bereavement, as it did to so many. Our beloved youngest son Cedric—or Caddy, as we called him—beloved not only by all of us, but by all those who knew him, was killed on the battlefield at

Ginchy on September 9th, 1916. He had joined the Territorials some year or two before the war, being impressed by the forebodings of General Roberts as to what was coming to the world; and he gave much time to his duties at headquarters. When the war came he had gained the post of captain in the 13th Kensingtons, and had already been once wounded before the fatal day. He was a young man of high promise, as we were told by Mr. Beck, the Master of Trinity Hall, with a love for music, for he played the 'cello very well, strong religious instincts and of a most kind and generous nature. He was mentioned in despatches and was greatly loved by the men under his command. To us his death came as an irreparable blow; our only consolation being that he died for his country. He was only twenty-seven when he died, having at that time attained the rank of major. Three of our sons and two sons-in-law were also at the front: another son being badly wounded, though he has, fortunately, quite recovered from his injuries. At this time the Red Cross had instituted a scheme for obtaining information with regard to men who were missing at the front. Representatives were sent to the different war hospitals to interview those of the wounded who were in a condition to give them the information that was wanted, and I was deputed to superintend this work at the large hospital at Stamford Hill. Upon visiting the hospital after the fight at Ginchy I found a corporal there who had been under the direct command of my son. When I told him who I was his first enquiry was as to the safety of the major; and when I told him he was killed he quite broke down and told me how greatly he had been loved by his men. This work at the hospital was very interesting, but most distressing, the effects of

shell-shock being painful to the last degree. There was one case of shell-shock which was curious in its results. When I first saw him the man was quite dumb, unable to produce any utterance whatever. In talking to my wife, who was going to see some of the 13th Kensingtons there, I told her of this case in order to prepare her. She went next day and told me, on her return, that the man had quite recovered his powers of speech. I asked one of the nurses next time I went how this had come about, and she told me that the doctor had instructed one of the man's friends to give him a sudden dig in the stomach. This was done; the wounded man gave a gasp, ejaculated "Oh!" and spoke!

My wife could not bear the idea of having my son's body moved to the military cemetery; she wanted him to lie where he fell—in the midst of a wide and open field. Happily she obtained permission for this; we acquired the right to the piece of land on which he died, and my wife has turned it into a beautiful little garden which is carefully looked after by one of the representatives of the Imperial War Graves Commission. The peasant folk round Ginchy and Guillemont reverence this little place; for my wife, having made an appeal to the public for clothes and other necessities for these poor people whose homes and effects had been hopelessly destroyed, was able to send out about 7000 different garments and later to provide money for an *éolienne* for a water supply; The rest of my family, I rejoice to say, are all alive; my eldest daughter being a widow, the other five married and doing well. I may add that, at the time of writing, we have seventeen grandchildren and four great-grandchildren. "Blessed is the man that hath his quiver full of them." I might add, in my case, "Very full."

PART VIII

OUR SOCIAL LIFE

CHAPTER I

Early Recollections: Robson: Pantomime: The Vokes Family: Dan Leno: Musical Comedy: Nelly Farren: Dion Boucicault: "The Colleen Bawn": "Green Bushes": "Still Waters Run Deep": "The Ticket-of-Leave Man."

I HAVE had many great advantages in the course of my life, not only in my profession but in my social life as well. Of all these, the one that I prize most is that it has been my good fortune to find myself all through my life among artistic surroundings—in my early days in literary circles, and later in close friendship with painters and artists associated with the stage. Starting from my very early experience in the theatrical line, I soon began to have a strong "penchant" towards the drama; and for many years after our marriage my wife and I became constant "first-nighters" in the different theatres in London. I just missed much that was great among the old giants of the stage. The Keens were before my time; the Kembles also; Macready, though a devoted friend of my father, had retired from the stage, while those two greatest of all low comedians, Mr. and Mrs. Keeley, were only known to me as a tradition.

My earliest remembrance of the drama is of seeing Robson in the *Porter's Knot*. I can even now vividly recall him as he sat sobbing on his barrow. I only saw him that once, and missed seeing his truly astonishing performance in an extravaganza based upon the story of

Medea, which was then quite the talk of the town. From what I heard of this it must have been a truly wonderful *tour de force*, for while at one time he was extravagantly funny, at the next moment he had risen to the very height of tragedy. He was only round about forty when he died, which must have been soon afterwards.

Pantomime played a very prominent part in my early theatrical days, and for years it remained extremely popular with theatre-goers all over the country, especially in London at Drury Lane. There is much in that line of art which one can look back upon with real pleasure. First and foremost I recall the Vokes family. To the present generation these words convey nothing. In my generation they meant everything that was best in pantomime. They were four in number: Fred, his two sisters, Rosina and Victoria, and one other man, who, I believe, was not related to them. Their dancing, not only together but individually, was something quite out of the common: graceful, artistic and animated. Fred was such a "high kicker" that he used, from time to time, to kick over Rosina's head, and without any apparent effort on his part. But their art did not merely consist in dancing, for their comic scenes were bright and full of life and humour. They were extraordinarily popular, and so was Dan Leno in his time. Quite a distinct type, but one of the most amusing actors in pantomime I can recall. Herbert Campbell was also of this time, and though not much of an actor in himself, he was an admirable foil for others. Dan Leno's comic song, "The Hard-boiled Egg," which he sang in mock pathetic style, simply convulsed the house. Whenever he was on the stage he filled it and there was no room for anyone

else. He pervaded everything. Alas! His end was pitiable. He had a very bad illness which affected his mind. He tried after a while to "come back." I was present on the occasion. It was a tragic scene. His powers had left him; his mind was not working. He wandered about aimlessly; he could not remember his words, and though the members of the cast worked loyally to help him, their efforts proved quite unavailing.

The annual pantomime at Drury Lane was one of the great events of the year, and was lavishly and brilliantly staged; but somehow it gradually languished and went out of fashion; and our old friends, the clown, the pantaloon, the harlequin and columbine disappeared, though they still emerge from time to time in some of the large towns in the provinces and occasionally in London. Its place was taken to a large extent by musical comedy, of which there soon appeared some delightful exponents. Here another great artiste soon came upon the scene. This was Nelly Farren. The days when she and Fred Leslie and Johnny Toole played at the Gaiety Theatre together were halcyon days for this kind of play. "Our Nelly," as the public used to call her, was absolutely brimming over with life and animal spirits.

My remembrance also goes back to quite a different form of art. This was the time when Dion Boucicault came prominently forward in a sequence of melodramas which soon made their mark. *The Colleen Bawn* was one of the best known of these, a very highly-successful play with novel and spectacular effects; for one of the scenes was that of an Irish lake with real water, into which Boucicault dived to save the life of the heroine. In these days of mechanical devices the stage effects rise to a far higher degree of per-

fection; but they were new at the time, and proved a rare sensation. Dion Boucicault was a very distinguished actor in this kind of play. Other plays which made a great hit were *Green Bushes*, with Madame Celeste; *Still Waters Run Deep*; and *The Ticket-of-Leave Man*, in which Henry Neville played the part of the hero, and Hawkshaw, the detective, was one of the principal parts; but my memory will not serve me as to who played it. This play had an extraordinary run.

CHAPTER II

The Bancrofts in Tottenham Court Road: A story of H. J. Byron: A Dance at the Theatre: Mr. and Mrs. German Reed: Corney Grain: Henry Irving and Ellen Terry: The Bells: Fechter and Kate Terry: His Hamlet: The Duke's Motto: Ruy Blas: A Story of Monte Cristo: Irving as an Actor and a Man: I Leave the Theatre at 6 a.m.: His Coronation Reception: George Alexander: Wyndham: Beerbohm Tree: "The Gay Lord Quex": A Story of the Play of Charles I.

Coming down to more modern times I approach that extremely interesting epoch in the theatrical world, I mean the days of the Prince of Wales Theatre in the Tottenham Court Road, run by the Bancrofts. To look back upon this time is to look back upon a real jewel in the finest of settings. Tom Robertson, the brother of our much-admired Dame Madge Kendal, the author of the group of plays, *Society, Caste, School* and *Ours* was on the look-out for a theatre; that theatre was looking out for a dramatist. The two came together and combined, and a more perfect combination it would be impossible to find, for they worked together in the happiest partnership, with the best possible results. It was the most talked of and the best run theatre in London, and gained for itself a reputation which still survives and which will continue as a great tradition of the theatrical world in the years to come.

Marie Wilton had already made her mark at the Strand

Theatre in "Pippo" which was the part of a boy in the burlesque of the *Maid and the Magpie*. This was rather before my theatrical days. She must have been immense, and in discussing this great actress's career I cannot do better than recall my father's impressions of her in a letter he wrote to Forster in December, 1858:

I really wish you would go to see the "Maid and the Magpie" burlesque at the Strand Theatre. There is the strangest thing in it that I have ever seen on the stage; the boy, Pippo, by Miss Wilton. While it is astonishingly impudent (must be, or it couldn't be done at all) it is so stupendously like a boy and unlike a woman that it is perfectly free from offence. She does an imitation of the dancing of the Christy Minstrels, wonderfully clever, which, in the audacity of its thorough-going, is surprising. I have never seen such a curious thing, and the girl's talent is unchallengeable. I call her the cleverest girl I have ever seen on the stage in my time, and the most singularly original.

At the Prince of Wales Theatre she was the life and soul of the performances and she made as strong an impression upon me and on the public generally as she had previously made on my father, who, I may add, was a constant visitor to the theatre, as well as myself. Most of our leading actors were at one time or another members of that company, and I cannot attempt to recall them all. To mention only a few: there were Bancroft and his wife, John Hare, Honey, Charles Sugden, Montagu (that most handsome of *jeunes premiers*), Kemble, Fanny Josephs, Lydia Foote, Amy Roselle, Henrietta Hodson, John

Clayton and Arthur Cecil, and that fine actress Mrs. Stirling. Besides the Robertson plays I can remember distinctly their fine representation of *Diplomacy*, with Mr. and Mrs. Kendal, Sugden and Arthur Cecil; *Masks and Faces*; and the *Merchant of Venice*, in which Ellen Terry appeared as "Portia."

In later years we got to know the Bancrofts very intimately, and it was a friendship which we valued very highly.

Lady Bancroft told me a little story with regard to one of the plays they produced at this theatre. It was a play by the well-known dramatist H. J. Byron. On the first night Byron was present in the stalls, and it was obvious that the play required a great deal more rehearsing. Things had not been going very smoothly when, at the end of the second act, Byron went behind to report progress and Lady Bancroft (as she became later) ran up to him and said: "Well, well. How is it going? What did you hear?" Byron's answer was short and to the purpose: "I heard the prompter. You didn't"

They gave a dance early in 1872. The stalls were all boarded over and we danced on the stage and had supper in the body of the theatre.

I must not omit to mention another "show" which proved a great attraction to the public, not only to ordinary playgoers, but to others whose religious views kept them away from the regular theatres. This was the entertainment given by the German Reeds at the Gallery of Illustration. Among the performers were Mrs. German Reed (I think), Alfred Reed, Arthur Cecil and Corney Grain, and at a later period Jessie Bond. Corney Grain was a most delightful musician and an excellent humorist. John Parry had made a singular success in his most attractive sketches,

and Corney Grain followed him in his sketch of *Mrs. Roseleaf's Evening Party*, in which the one and only performer was himself with the piano and his art to help him.

But a new star was rising in the theatrical firmament about this time. This was Henry Irving. My father had seen him play *Hunted Down*, and had come home enthusiastic and told us: "Mark my words: that man has the makings of a great actor." His first great "hit" was, as all the world knows, the play of *The Bells*. This was produced at the Lyceum under the management of Mr. Bateman. The season had been a poor one; and this play by Lewis had been really put up as a kind of stopgap, and it proved to be a veritable gold mine. Its success was beyond all expectation and it drew all London and outside it. From that time Irving was supreme in the theatrical world. But before coming to the wonderful days of the Lyceum, with Ellen Terry and himself—the idols of the theatrical world—I must go back a little in time to recall those earlier years when Fechter and Kate Terry occupied the same position in the world of art as that which was subsequently filled by Ellen and Irving. The Terry family were a remarkable family of actors and actresses. This is still so well known by theatre-goers that it is quite unnecessary for me to say anything more concerning them.

Charles Fechter was an Alsatian by birth. He was an artist in more ways than one. At one time it was a question with him as to whether he should enter as a candidate for the Grand Prix de Rome for sculpture, or whether he should join the *Théâtre français* in Paris. He chose the latter and soon made his mark as one of the great actors of the day. In due time he came to London and settled himself here, playing leading parts in various theatres

and principally at the Lyceum, where he produced a variety of plays, in which my father helped him with his invaluable knowledge of theatrical art. His "Hamlet" was I think on the whole, the finest I have seen. In the old days I have been told the Kembles, the Keens, Phelps and others of that school used to declare the soliloquies in loud tones from the footlights. Fechter was the first to speak them in the quiet thoughtful way, as though thinking aloud; a mode of delivery which was followed by Irving and other Hamlets of recent times. He was particularly fine in the great scene with the Queen in the third act, a scene which has never been equalled by any Hamlet I have seen, and I have seen many. One of the plays he acted in conjunction with Kate Terry was *The Duke's Motto*, a really most effective melodrama which had a very long run. His catch words, "I am here," come back to my mind with extraordinary distinctness. Another great part of his was an English translation of *Ruy Blas*. I remember his French pronunciation became somewhat marked when he delivered the line: "*J'ai l'habit d'un laquais; vous en avez l'âme,*" which he rendered: "I have the dress of a lackey; you have the heart of *wan* (one)."

He put *Monte Cristo* on at the Lyceum one season. It proved terribly long. When produced in Paris it was played on two consecutive nights. Fechter played the whole in only one. It will be remembered that Monte Cristo has to kill three victims, and as he kills them he counts them: One—two—three. In an earlier scene the abbé's deathbed is portrayed, and he took so long a-dying on this occasion that it was well past midnight when the first victim was slain. Coming down to the footlights Fechter, in a voice of triumph, counted "One!", upon which a voice

in the gallery was heard to exclaim: "Not quite, old fellow; but very near it!"

Of Kate Terry, I can pay her no higher tribute than to say that had she remained on the stage she would have attained to as high a position in her art as her most gifted sister Ellen. Indeed, her performance of Beatrice in *Much Ado About Nothing* was as near perfection as it could well be. However, unfortunately for the public, she was married early in her career to Mr. Arthur Lewis, and, fortunately for herself, she lived a life of perfect happiness in her retirement. In her later years, both before and after her husband's death, we became on terms of close intimacy with her and her daughters up to the time of her death.

In talking about Irving and Ellen I am of course touching on quite modern times. Their reputation remains unchallenged. What can I say of Irving that has not been said already? I do not intend to enter into any kind of criticism of him as an actor. Some people might prefer him in comedy; others might prefer him in tragedy. Some might say that he varied very much: sometimes bad, sometimes pre-eminent—an observation which must apply to all actors of renown. Personally, I preferred him in comedy, and I doubt if he was ever greater as an actor than in the two little sketches of *Jingle* or *Waterloo*. His Hamlet will beyond all doubt be remembered as a fine study and a wonderful artistic effort—I am not dealing with other actors still living who have played the part; that would be outside the scope of my book. Speaking of him in his art I am content to say no more than this: that his burial in Westminster Abbey was a fitting tribute to the memory of a very great actor. But he was much more

than a mere actor to those who knew and loved him as a man. He was a striking personality and a most lovable man; generous to a degree, living for his art and to help those who were struggling in that great profession of the theatre. To my wife and myself he always remained a true and loyal friend.

On the first anniversary of the birth of our eldest child he dined with us to commemorate the occasion. We were then quite at the beginning of our careers, living in a small house in Kensington; quite small people. I remember on that occasion he did not leave our house until nearly three o'clock (he was always terribly late in his habits), and our friendship continued to be of a most intimate character until his death. His "first nights" were one of the great features of the stage at that time. They were always crammed and there was a light supper on the stage for his friends after the play was over. We rarely left the theatre on those occasions before three o'clock. On one occasion I left it much later. It was during the run of *The Merchant of Venice* and Irving commemorated the hundredth night of its performance by giving a great men's supper party on the stage. At 11 o'clock the curtain went down; at 12 o'clock it was covered by a large marquee, and we sat down to the number of somewhere about 250 guests. Lord Houghton was in the chair and proved to be singularly maladroit, because he told us in his speech that he altogether objected to long runs, and on the whole he was inclined to think that Irving's Shylock was a somewhat poor performance. I was convinced myself that he only said this chaffingly, but it gave great offence to the members of the company who were sitting at a table together. On that night I left the theatre at about 6 o'clock next morn-

ing in a four-wheeler, in company with Sir Frank Burnand, Editor of *Punch*, Linley Sambourne one of its contributors, and Luke Fildes (afterwards Sir Luke Fildes, R.A.), all of whom lived in Kensington. At 9 o'clock the same morning Irving was seen walking down Bond Street to his rooms in Grafton Street. "Holloa, Irving!" said a friend who met him. "You are early this morning." "No, my boy, no," said Irving, "a little late, a little late!"

I remember another occasion my wife and I had supper with him in the old Beefsteak Club Room situate over the Lyceum. Ellen formed one of the company, and was, as usual "her own bright and irresistible self." On this occasion we left at the comparatively early hour of 4 a.m.

As to his great generosity, his own theatre company and his fellow actors could tell many touching stories. Bram Stoker told me that when old Howe, a very sound but decayed old actor, was engaged as one of the company, Irving, on reading a list of the salaries, insisted upon that allotted to Howe being substantially raised, for, he said, he could not allow such a sound old actor to be put down at such a low figure. Irving and Toole were "inseparable," and in poor Toole's unhappy months at the end of his life, Irving took care to make frequent visits to Brighton to cheer up his old friend and keep him company. Toole told me on one occasion that when in their very early days they travelled together in a country company, they had but one shirt between them—an exaggeration no doubt, but significant as showing how closely allied they were, one to the other.

These experiences at the Lyceum were interesting and pleasant enough, but they were eclipsed from one point of view by one that I have left to the last. By far the

most brilliant and dazzling scene I ever saw in Irving's time at the Lyceum or indeed at any time in any theatre, was the reception he gave on the stage to all the great princes and potentates throughout the Empire who had gathered together in London on the occasion of the Coronation of King Edward in 1902. We know from his old friend and manager, Mr. Bram Stoker, that Irving had previously sounded the authorities to see whether such a reception would be acceptable to royalty. Learning from the Foreign Office that they were prepared on their part to give him every assistance in their power to make such a reception a success, Irving proceeded in his large and lavish way to carry it out in the oriental fashion. He spared no pains and was quite regardless of the cost, so long as he could make the reception in every way worthy of the great commemoration which called it forth. My wife and I were present on this unique occasion, and I can only give an inadequate account of what I remember of it. It was not a scene soon to be forgotten, for it was one the like of which we had never hitherto seen.

The house was full to overflowing, not only with an immense audience comprising most of the distinguished people of the day, but also of numbers of oriental grandees of every shade of colour, from all parts of the Eastern world, clad in their dazzling robes of state and glittering with precious stones of every description and of almost priceless value. The stage had been cleared of everything and decorated in the brightest of colours in the interval which elapsed after the fall of the curtain on the performance for the night. One by one the notabilities passed from the stalls on to the stage in one brilliant scintillation of colour, with all the majestic grandeur

common to the Oriental. One was almost lost to a sense of reality as the procession passed before us under the dazzling lighting, and we somehow began to feel as if we were in an atmosphere of the Arabian Nights, as scene after scene recalled much that we had read in those entrancing tales; a feeling which kept us enthralled until we passed out of that almost fantastic scene to find ourselves outside in an old four-wheeler and making our way through the dimly lighted streets of old London to our own very modest but comfortable home. A disenchantment indeed! One, however, which was by no means displeasing to me; for what we had lost in the richness and brilliancy of the East we had gained in the view of the ordinary comforts of a modern English home with all the happy associations attached to it—a picture far more to my liking—than all the gaudy orientalism, with its superb display of the vast riches of the East.

Another of our theatrical friends was George Alexander, a very admirable actor in *jeune premier* parts, and an excellent manager and a very dear friend. Charles Wyndham, another actor-manager, was also well known to us. He was a particularly striking actor with a fascinating hoarseness in his voice, and was somewhat of the French school. Beerbohm Tree was only a "passing friend" but he was one of our foremost actors. His "Malvolio" was the best I ever saw I think, and his "Fagin" was a great interpretation of the Jew in *Oliver Twist*. In addition to these there were of course the Bancrofts and Sir Martin Harvey (the original Joliquet in *The Lyons Mail*) and his wife; but as they are both living, I must leave their virtues undiscussed. The same applies to that fine scholarly actor Forbes Robertson and others still "in the flesh."

Of many first nights that have stirred me, I think that of *The Gay Lord Quex* by Pinero, was the most striking. This of course is of such recent date that it will be recalled by many. Sir John Hare and Irene Vanbrugh played the leading parts. One of Pinero's methods was quietly to lead up to his great situation which is to follow in the third act. This was peculiarly the case in this play. The first two acts were, to all appearance, somewhat dull and uneventful, if anything that Pinero wrote could ever be so designated. I was sitting in the front row of the dress circle next to Sir Bruce Seton, a well-known theatre-goer, and so impressed was I by this feeling that at the end of the second act I said to him: "We shall want a strong third act to make this play a success." Then came the third act. It was stupendous. It took his audience by the throat. The acting of it was superb; the situation tremendous. I do not think I ever remember a house being so deeply stirred; and, as the curtain went down, I said to Sir Bruce: "I asked for a great third act; and, by God, we have got it." It was only then that I realised the subtlety of the two acts which had preceded it.

It is amusing to listen to what falls from the lips of members of the audience on occasions. One night my wife and I went to the Lyceum to see the historical play of *Charles I*, which Irving was then producing. There were two ladies sitting immediately behind us in the stalls, interchanging their views as the play proceeded. They were keen, very enthusiastic about Irving, and taking a very marked interest in the play itself. One of the scenes was the field of the Battle of Naseby, where Irving, as Charles I, weighed down with the armour of the period, strode on to the stage with his staff of officers and loudly

called for a glass of water. The water was produced by a page and as Charles I took it from him we heard one of the good ladies say to the other in a trembling voice: "Is it poisoned?" Her anxiety was excusable, though her knowledge of history may be said to have been slightly mixed.

CHAPTER III

*Sir Henry Tate's Academy Dinner: Leighton: Millais:
My Sister Kitty: A Pipe and a Hairpin: Sir Luke Fildes:
A Friendship of Fifty Years: A Model's View of Art:
Fred Walker: Tadema: My Clubs: The "Punch" Staff:
Banquet to Sir John Tenniel: The Théâtre français.*

SIR HENRY TATE was in the habit of giving his own particular Academy dinner on the Wednesday preceding the Royal Academy banquet at his house at Streatham. All the Academicians and Associates were invited to these dinners and he gave them every year. He did me the great honour and privilege of invariably asking me. Indeed, the only three guests who were not artists at these dinners were his architect, his doctor and myself. They were delightful gatherings, quite unceremonious and with no speeches or formality of any kind. In this way it may be said in one sense that I was known to all the Academicians; for I certainly used to meet them all *en bloc* every year. But apart from these periodical meetings as a body, I was fortunate enough to make some close friendships with many of the well-known painters of my time. Of these Sir Frederick Leighton (afterwards Lord Leighton) was one. I cannot I think describe him better than in the words of Chaucer: "He was a verray parfit gentle knight." To those who recall his handsome figure, his elegance of mien and the polish of his language, the aptness of this quota-

tion will I think be apparent. He was a great friend of my dear sister Kitty who, as is well known, after the death of Charles Collins, married Carlo Perugini, a painter somewhat in the style of Leighton; while she herself was recognised at one time as being very successful in her portraits of children. My sister was universally beloved. She had wonderful charm and a very strong sense of humour. I was devoted to her and I think she had the same feeling for me. She died on May 9th, 1929, at the age of ninety.

It was Leighton who advised my wife and myself to pay a visit to Perugia, that delightful old town perched on the top of a hill, looking down upon Assisi and the wide-spreading Umbrian Plain. It was here, he told us, he used to go when he was writing his well-remembered speeches at the banquet as President of the Academy. We paid two or three visits there at that most comfortable hotel kept by a very charming lady, Madam Bruffani, who used to pay my wife a visit when in England.

Sir John Millais was as different from Leighton as it was possible for him to be. To the very end of his life he had the spirits and animation of a boy. He was also a very close friend of Kitty, who sat for the female figure when he was painting "The Black Brunswicker." I have in my possession a striking pencil sketch of my father drawn by Millais the day after his death.

On one summer's day I remember, Millais, Charlie Collins and I went to Maidenhead for a day on the river and we lunched at Skindles, after a lovely morning in a punt. We were smoking on the lawn after lunch when my pipe got stopped up, and none of our efforts were availing to put it right. But Millais was quite up to the

occasion. A group of ladies were emerging at the time from one of the luncheon rooms, and Millais, removing his hat in his most graceful manner, asked them if they could oblige him with a hairpin. Luckily, at this time, hairpins were in common use, but I doubt whether in these days of shingling the ladies would have had a single hairpin among them; but at all events on this occasion one of the ladies, taking a hairpin from her hair, presented it to Millais, and all was well.

In the dinners given by Tate I noticed nearly all the artists smoked pipes, some very foul ones. Cigars were not much the fashion and the cigarette habit at that time was comparatively unknown.

At one time my father was on the look-out for someone to illustrate *Edwin Drood*, after it was found that Charlie Collins's health would not allow of his carrying out that task. I remember the enthusiasm with which Millais rushed into our house one day when we were in London, wildly waving a paper which he had brought with him in his hand. Thrusting the paper into my father's hands he cried out: "Look at that! Isn't that fine? That's the man you want!" The paper was the *Graphic*, containing a picture which Luke Fildes (afterwards Sir Luke Fildes, R.A.), had drawn representing the "Casuals" waiting outside the workhouse. This he afterwards painted in oils and exhibited under that name. It was, I always thought, one of Fildes' most powerful pictures. My father was no less enthusiastic than Millais with the result, as all the world knows, that Fildes illustrated *Edwin Drood* until death stepped in and stopped its further progress.

Luke Fildes came down to Gad's Hill shortly afterwards to paint the picture of "The Empty Chair." This

was the commencement of a friendship which lasted till his death. My wife and I never had more greatly loved friends than Fildes and his dear wife. In the year 1922 he said to me: "Harry, our friendship has now existed for over fifty years and I should like to commemorate it by painting your portrait to hand down to your children." This was a most generous offer which I felt no scruple in accepting. It was exhibited at the Royal Academy of that year.

He told me a story in connection with his picture "The Widower." The picture, it will be remembered, was that of a country labourer with four small children playing round his knees. Fildes secured as a model a labourer straight from the country. He was a somewhat embarrassing man to paint, as he had epileptic fits from time to time. However, when the picture was finished, Fildes showed it to the man and asked him what he thought of it. "Well!" he said, "that ain't bad, that ain't. Now what are you going to do with that? I suppose you will be sending it to some music hall or other."

Another friend of Kitty's I remember well—that was Fred Walker; a great painter with a wonderful future before him; but his health was always bad, and he died far too early.

Alma Tadema was another whom we frequently met. I remember going with him to an artists' club in St. John's Wood and giving them a recital of one of my father's works. I think it was the *Christmas Carol*.

At one time I was a member of the Arts Club when it was in Hanover Square when Pellegrini, the cartoonist, proved himself to be master in mixing salads. When they took their new premises in Dover Street I left it, as I had



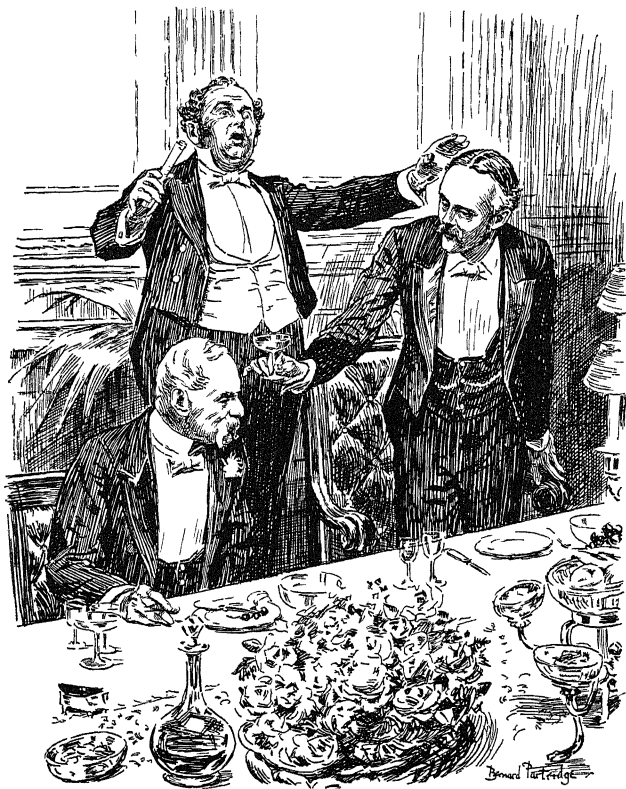
N. Hanson Ausworth

too many clubs. At one time I was a member of the Oxford and Cambridge, the Reform and later the Athenæum. I finished by being content with the Reform. I was elected to the Garrick by the committee, but I felt I must be content with one club and stuck to the Reform, of which I was a member from 1886 until I gave it up when I retired in 1932. I rarely went to the Athenæum, though I was a member for years. I greatly preferred the Reform which I regarded as one of the most comfortable clubs that I knew.

It is somewhat curious to note how my family, year by year, have kept up a close acquaintance with various members of the staff of *Punch*. In early days, in the editorship of Mark Lemon, he and John Leech were close allies of my father. Of Mark Lemon I have already spoken. Leech, great artist that he was, not only suffered from a weak heart but was also singularly sensitive to sound. He became quite a victim of the horrible barrel-organs, and to such an extent that he had double windows put into his house to keep out the sound. Later the à Becketts, father and son, were on the staff of *Punch*, and we became great friends of the latter. In time du Maurier appeared and, though we were never on terms of great intimacy, he was included in our circle of friends. How delightful it is to look back on the pages of *Punch* at his delightful satire on the Oscar Wilde set, the worshippers of the Lily and so forth. *En passant* I may say that I suppose I am the only advocate who has ever succeeded in getting damages against *Punch* for a libel. This was in respect of an article written by the well-known writer Lucy under the pseudonym of "Toby." In the time of Sir Frank Burnand's editorship, which lasted for many years, this

friendship continued, for we were not only on warm terms of friendship with him, but also with Sambourne, a well-known contributor, and that grand old master of the cartoon, Sir John Tenniel. I have a charming remembrance of a great event in Tenniel's life, one that he must have treasured as long as he lived. To commemorate his eightieth birthday a public banquet was given in his honour. Pretty well everyone who was of consequence in London attended. It took place on June 12th, 1901, at the Whitehall Rooms and the list of tables I have before me now. The story is as charming as well as a touching one. The Right Hon. A. J. Balfour, M.P., was in the chair, while the committee of organisation was remarkable for the number of people of distinction of every kind who were included in the list. I can only illustrate it by selecting a few: The Dukes of Norfolk, Devonshire, Bedford and Argyll, the American Ambassador, the Earl of Rosebery, Field-Marshal the Earl Roberts, Lord Rothschild, Lord James of Hereford, Lord Alverstone, L.C.J. of England, the Speaker of the House of Commons, Sir W. V. Harcourt, Joseph Chamberlain, John Morley, H. H. Asquith, Sir Robert Finlay, Sir E. Carson, Alfred de Rothschild, Sir Henry Thompson Bart., Augustine Birrell, A. Conan Doyle, Sir Henry Irving, Sir Squire Bancroft, John Hare, H. Beerbohm Tree, W. S. Gilbert, A. W. Pinero, Henry Arthur Jones, J. Comyn Carr, Sir Edward Poynter, George Grossmith, and the Editor and Staff of *Punch*.

I found myself in good company amongst a group consisting of F. C. Burnand (editor of *Punch*), Clement Scott, Captain Marshall, A. W. Pinero, John Hare, and Brandon Thomas. I give some of these names in order to show the representative character of the gathering.



"SO SAY ALL OF US!"

John Bull (Toastmaster) My Lords and Gentlemen pray charge your glasses Bumpers The toast
is Sir John Tennel!

Mr. Balfour, as was only to be expected of him, made a highly laudatory speech in singularly charming language. He ended by proposing the health of Sir John Tenniel. This toast was received with an extraordinary demonstration of applause—too overwhelming, in fact, for it struck Tenniel dumb. He rose to reply; he tried to speak—in vain. He was so utterly overcome by the intense fervour of his greeting that he could not utter a single word. He remained on his feet, but not a word could he say. At last, with some muttered words, he resumed his seat amidst increased applause. Later in the evening another speaker—I think it was Mr. Birrell—alluding to this incident, made use of this charming expression: “There are occasions when silence is golden, and surely this was one.” The whole incident was one which deeply affected all those who had the good fortune to be present at this almost unique gathering. I have never forgotten it and never shall cease to look back upon it as one of the most striking demonstrations which I have ever witnessed.

We were often at Paris during the time when the *Théâtre français* was at the height of its fame, and we were often numbered amongst the audience of that memorable theatre. It is impossible, therefore, to talk about art without giving a passing notice to its most supreme temple. I do not suppose there ever was, in the history of the stage, a company which achieved such a world-wide reputation as that which the company of the *Théâtre français* enjoyed when at its prime. When I first knew it, it included that “ever-young” *jeune premier* Delaunay; that charming actress Samary with her captivating and infectious laugh; the great Croisette; Coquelin *ainé*, the prince of comedians; Got, whom I have always regarded as one of

the finest, if not the finest, actor I have ever seen anywhere, English or French; Desclée, in *Frou Frou*, who died so young; and later in point of time, the superb queen of tragedy, Sarah Bernhardt; in addition to whom there was another great actress, Réjane; I saw her at the Odéon, but whether she was of the *Théâtre français* or not I cannot quite recall.

Speaking from the point of view of a theatre-goer, I am bound to say, however, that I never greatly appreciated their performances of Molière's comedies—in spite of their wonderful satire—for they were played so strictly according to tradition. The tradition was so closely insisted on that no actor dared depart from it in the minutest particular. The result was that the acting became formal, monotonous, and sometimes even stilted. I think it was Coquelin *aîné* who first attempted to break through the bonds which bound them. But apart from this one generally felt when going to the *Théâtre français* that one was in for an enjoyable treat. This was not invariably the case though, for one night I remember taking three of my friends to the theatre without knowing what was on the programme for the day. We found that it was *Zaïre* by Voltaire, in five acts! Never again, never, if I were paid for it! We stood two acts of it and we fled. It was more than human nature could stand.

CHAPTER IV

Paddy Green-Evan's: The Albion Tavern: Some Practical Jokes: Two Cousins from the "Workus" visit Eaton Square: A Hidden Supper: A Merry Evening at Folkestone: Rule's Oyster Shop: Night Clubs: Story of a Lady Litigant.

I WONDER how many people there are living who have spoken to Paddy Green? I wonder how many people there are who have ever even heard the name of Paddy Green? And yet Paddy Green, in my college days, was one of the most popular characters in London. At that time it was considered quite the thing to make Paddy Green's acquaintance, and I myself felt it quite a privilege to shake him by the hand. Green kept Evan's, a place of entertainment. It could not be called a restaurant nor yet a music hall, such as we are acquainted with. It was a licensed tavern, in Covent Garden on the site later of the National Sporting Club, which was carried on by Paddy Green—a place where people could take supper after the theatre and listen the while to excellent glee-singing varied by solo-singers and occasional exhibitions of good conjuring. To this resort the people flocked—literary men, journalists, actors, theatre-goers, to take their supper in the shape of chops, steaks or kidneys with baked potatoes on little tables in the body of the hall. If anyone brought ladies he had to take a box. There, night after night, Paddy Green would be seen supervising and engaging in con-

versation with people of every sort and description. He was known throughout London as a real character, was Paddy. Quaint and full of stories, Irish and otherwise. My father often went to the place and so did Thackeray. Looking back upon my own visits there, I can truly say that a chop or steak has never seemed to me to have had quite the same relish as those which I used to eat at Paddy Green's.

There was another well-known supper-tavern which continued to exist up to quite recent times, on the site of the present Fortune Theatre, near to Drury Lane Theatre. This was the Albion Tavern. This was also a popular supper place, mostly frequented by actors, literary men and journalists. On New Year's Eve I remember there was always a boar's head, of which everybody could partake without payment. I particularly remember being there one night when Johnny Toole, the well-known comedian, played one of his practical jokes; for Johnny Toole was "a man of infinite jest, of excellent fancy," though he was a little too fond of practical jokes. But he was not quite such a hardened sinner in that respect as Sothorn the actor, who was famed for his representation of Lord Dundreary. I knew Toole intimately. I was having supper at the Albion one night after the play, when I walked Johnny Toole. I had previously noticed another party in the room at another table, of which David James, famous for his acting in *Our Boys*, was one. It appeared, from what Toole subsequently told me, that there was a man in that party who was always boasting of being personally acquainted with everybody on the stage; amongst others with Toole himself; whereas Toole had no knowledge of the man whatever. What happened on

this occasion was a little conspiracy against the gentleman in question in order to test his suggested intimacy with Toole. As Toole passed my table, he stopped to talk to me for a moment, and then with a wink, he went on to say: "For to-night my name is Sir Bruce Seton" (a gentleman I have previously mentioned). "I am joining David James's party and I am going there under this name. Come to the table presently, like a good chap, and call me Sir Bruce by name." Accordingly, after a short interval, I went up to that table and after shaking hands with David James, I turned to Toole and said with the utmost heartiness: "Holloa, Sir Bruce. I hope you are better. I heard you had not been well." To which Toole made a suitable answer. What the gentleman in question thought of it all, I do not know; nor can I quite understand how he met the somewhat difficult situation in which he must have found himself.

Another of Toole's practical jokes was one to which he himself confessed; but it was somewhat a cruel one, I thought. He and another actor were once engaged for a matinée at the Court Theatre in a play in which they were taking the parts of two old men from the workhouse. When dressed in their costumes they strolled into Eaton Square and, picking out one of the most aristocratic mansions, they boldly walked up the steps and rang the bell. Upon the door being opened by a magnificent-looking flunkey Johnny said: "Is your master in?" "No. Now you get out," said the flunkey angrily. "What do you mean by ringing the visitors' bell?" "Oh!" said Johnny, "I am sorry your master's not in. Will you tell him when he comes in as 'ow his two cousins from the workus called to see him. *Good afternoon.*"

I remember an episode in Toole's own house in William Street, Lowndes Square, which I have always looked upon as a practical joke, and not a bad one. It was at a party which he was giving at his own house at which my wife and I were present. When supper-time came, being informed that it was ready in the dining-room, we all trooped down to find—the tables were there certainly with tablecloths reaching down to the ground, but very little in the shape of supper of any kind was visible to the naked eye. The situation was somewhat embarrassing; the supper, to say the least of it, disappointing. Suddenly the situation was made clear: someone, stooping down to look for something which he had dropped, happened to lift up the cloth on one of the tables and there he found on the floor—a cold chicken! On further investigation a tasteful and sufficient supper appeared carefully laid out under the tables. It was suggested, afterwards, that a drunken waiter had mistaken the floor for the tables. I cannot believe that any waiter, however drunk he might be, could have imagined this. I have never wavered in my belief that the whole thing was a practical joke, either played on Toole or far more probably one of his own invention. It did no one any harm, however, as the supper turned out an excellent one and the guests had thoroughly enjoyed the whole thing.

The mention of Toole's name recalls to my mind a wonderful evening I spent in his company at the Pavilion Hotel, Folkestone. It was on the occasion of the trial of a guardsman for the theft of a gold watch, which belonged to a scion of a ducal house, and which had been stolen in London. The prisoner had pawned this watch in Folkestone, and he was to be tried at the Folkestone Borough

Sessions for larceny. Before the magistrates he had set up a defence which is known as the "Guardsmen's Defence," a very common one and one of which it is only necessary to say that it is of a very scandalous nature. The case was simple enough, but the defence being such as it was it was thought advisable to brief a leader with me for the trial; so Sir Charles Russell, K.C., was retained by Sir George Lewis. I thought this was a mistake in tactics. The case presented no difficulty whatever, while the fact of briefing so illustrious a counsel as Russell was calculated to arouse suspicions in the mind of an ignorant man as to whether there might not be something in the defence after all. The owner of the watch, an ardent supporter of the theatre, had been lunching with Toole on the day of the theft at a large party which was given by Toole in his house at Bayswater. It was deemed necessary, therefore, to bring some of those who were present at the luncheon, in order to show that the prisoner's story could not be true. So a gay party assembled the night before the trial at the Pavilion Hotel. There were Toole, David James the owner of the watch, who was himself a very cheerful soul, Sir Charles Russell, Sir George Lewis, Captain Weldon, the husband of the notorious Mrs. Weldon, the litigious lady who conducted her own cases and became somewhat of a nuisance, and another whose name I cannot recall. We had a wonderful evening. Stories, theatrical and otherwise, followed one another in rapid succession, and we kept it up until a late hour of the night. I cannot, unfortunately, recall any of these stories, but I can sum up the occasion by saying that it was one of the merriest nights I ever had.

Poor Johnny Toole! His last days were most distress-

ing. He had lost his wife, his daughter and his son—the last under most painful circumstances—and, in the end, he lost his faculties as well. The last I saw of him was when he was being drawn in a bath-chair on the parade at Brighton. He looked at me vacantly when I spoke to him, and was obviously quite ignorant of my identity. He was universally beloved by all and was the idol of the public. His were the days of farce. However interesting a melodrama might be the audience were not satisfied unless they had a farce as well, with Johnny Toole in it if possible. And what fun some of these farces were! This recalls *Box and Cox*, with Buckstone and Harley—a real gem!

Another well-known place of entertainment which I should have mentioned was Rule's, the oyster shop. When I first knew it, it was an oyster shop and nothing but that. Its reputation was that of being the best place in London for oysters and stout or porter: and I have often enjoyed a supper of this character. Rule's is, of course, still much frequented; but the atmosphere of the place has altogether changed, for it has become quite a fashionable restaurant in these luxurious times. In my early days night clubs were quite unknown in high society; though thieves' kitchens were flourishing and much frequented by the light-fingered gentry of criminal instincts. I have never myself visited one of these newfangled fashionable night clubs of the present day in which the charges for wine are said to be very heavy; but I have always heard them spoken of as being hopelessly dull, the only attraction I suppose being the possibility of a raid by the police and of an early attendance next morning in a police court. The sooner these clubs are finally put an end to, the better for society

and the world at large. They will probably die of themselves from sheer ennui.

I mentioned Mrs. Weldon just now. There was another lady litigant who also conducted her own cases in court. I felt some sympathy for her, because I think she really had a grievance. On one occasion this lady wellnigh covered me with confusion. I was arguing against her in one of her cases in the Court of Appeal in Lord Esher's time; taking care to be as fair as I could, for she was not like Mrs. Weldon, a good advocate in her own cause, when suddenly in the hearing of the whole Court she exclaimed: "A very nice young man!" The Court were much amused, and it was some time before I heard the last of that "very nice young man."

CHAPTER V

The Boz Club: Its Purport and its Popularity: Why it Died: Sir Henry Thompson's Octaves: The Dickens Fellowship and its Work: Holidays.

THERE must be many people, I think, who remember the dinners of the Boz Club; and if so I hope with some degree of pleasure. The Boz Club was merely a gathering of real lovers of Dickens who met once a year to drink to his memory and to recall what he had done in his lifetime for the good of the world and for the help of those who were not in a position to help themselves. It was founded in 1900 on the occasion of a dinner at the Athenæum Club. It was a dinner given by Mr. Percy Fitzgerald, on which occasion Sir Henry James, K.C. (afterwards Lord James of Hereford), took the chair. It was quite an informal dinner and we numbered no more than sixteen. The idea, at that time, was to form a club to dine together once a year in a pleasant, sociable way, with one common desire—to show our esteem for and recall the memory of one who is gone and to show on the birthday of Charles Dickens that his memory remains still green with us. I should be sorry to think that there was any motive or reason for this club other than that; and, as I said in a speech I made at one of these meetings, “if there was any suggestion of the club being formed for the purpose of bolstering up his reputation, then I should not be a member, and I felt sure that none of them would.” We never posed as

a literary club; we had no concern with academic discussions as to whether Dickens's methods were or were not of the highest order; all we cared for was to try to show that he had secured for himself the love and affections of his readers and, amongst others, those who were the members of the club.

I remember on the occasion of the inaugural meeting I entered a vigorous protest at the way in which the chairman had performed his duties on that occasion. You will hardly believe me when I say that he actually addressed us like an ordinary mortal, standing upon the *floor*, and speaking on *ordinary topics*. I insisted, and I think rightly, that at the inaugural meeting of such a club as this he was bound to stand upon a Windsor chair with one hand behind his coat-tails and the other extended, tracing to their source the mighty ponds of Hampstead, and touching lightly upon Mr. Pickwick's theory of tittle bats. However in spite of this grave disregard of his duties on that occasion the club was formed.

In its early days there was no method in its procedure. It was mainly carried on by Percy Fitzgerald. A few members met once a year, paying for their own dinners and without any arrangements as to speakers or otherwise. But as our membership increased and the club grew in popularity it became quite clear that it should be put upon a proper businesslike basis. Accordingly, at a general meeting held in 1903, when Sir Henry Irving was in the chair, rules were drawn up and a committee was formed, the original members being myself as chairman, Mr. Percy Fitzgerald, Sir Francis Burnand, Mr. Edward Dicey, C.B., J. C. Parkinson and Mr. F. G. Kitton. Mr. Kitton died shortly after and Mr. Fitz-

gerald declined to serve. Mr. Charles Mathews was then elected and a little later Mr. M. H. Spielmann. After that the committee naturally changed from time to time, and in 1914 it consisted of myself, Sir Charles Matthews, K.C.B., M. H. Spielmann, F.S.A., Sir Luke Fildes, R.A., Sir John Hare and Mr. Boydel Houghton. The annual subscription was only one guinea, which included the cost of the annual dinner, and any member could invite a guest on forwarding his name to the committee and remitting to the secretary a sum to be determined by them.

Early in its existence it narrowly escaped destruction. This was in 1904, on which occasion the chairman, Sir Henry James, made a very long speech in which he tried to trace many social reforms to my father's books. The Lord Chancellor (Lord Halsbury) rather resented Lord James's views and tried to make the discussion a political one, and indeed went so far as to suggest in his speech that my father was himself a politician. To such a suggestion I entered a very strong protest. In fact, as I pointed out, he had no great respect for Parliament, though he had as a fact a great regard for many individual members, especially in the case of Lord John Russell, of whom he said on one occasion, that there was no man in England he respected more in his public capacity, loved more in his private capacity, or from whom he had received more remarkable proofs of his honour and love of literature. A debate of this kind was wholly foreign to the objects of the club and was strongly objected to by several of its members. In addition to this Lord James had made a great effort to "sweep" people into the club, with the result that the members were far in excess of what was usual or what we wanted. These two elements very nearly

put an end to the club, and it became obvious that our number should be limited. This we did, limiting our membership to a hundred and fifty. From this time everything went smoothly. Our numbers never went below that number and, as members brought many friends to the dinners, we always had a large muster.

The list of our chairmen will show fairly well its general character. They were Sir Henry Irving, Lord James of Hereford, Lord Robertson, Sir John Hare, Sir Edward Clarke, K.C., George Alexander, Marcus Stone, R.A., Right Hon. Augustine Birrell, the Bishop of London, G. W. E. Russell, and in 1914 Sir Walter Lawrence, Bart., G.C.I.E., a very notable body of men. In addition to this we always had high-class music, the artists being invited to the dinner and very few of them accepting a fee. On one such occasion, I remember, my daughter Elaine (now Mrs. Waley) played a duet with that delightful violinist, Herr Johannes Wolff. We were also greatly indebted to Mr. M. H. Spielmann for his artistic help. The book for the evening always contained some interesting illustrations in some way or other concerned with my father. I have some of these delightful souvenirs before me now. On one occasion it would be a reproduction of the original green wrappers of the various works; sometimes the reproduction of some of his original manuscripts; sometimes copies of the various portraits of him; on another pictures of the various houses in which he had lived and also of some of his principal female characters, all of which were executed in the most artistic manner possible.

Then why, it may be asked, was this club allowed to die? This was solely on account of the war and its after-

math. The last dinner was in 1914. The war came and put a stop to all such social gatherings, and at the time of the truce I found that at least fifty of our number had died. I felt that if we were to revive the club it would be impossible to carry it on without raising the subscription; which, at that terrible time, I felt was out of the question. Under these circumstances I thought it better not to revive it, rather than to let it die of attrition. It went much against the grain with me to take such a step; but, looking back upon the conditions which existed at the time, I am satisfied that the course I pursued was the right one.

There was another set of dinners, to which I was often invited, of a different kind but equally pleasant. This was a series of dinners given by Sir Henry Thompson, Bart., the distinguished surgeon, and known as his "Octaves." The company generally consisted of eight, though on occasions there might be more. The people one met there were mostly people of distinction in some path of life, whether soldiers, sailors, judges, barristers, politicians, in the Church, or engaged in medicine or one of the arts. I cannot describe them better than Pepys did in his diary of a dinner he had attended: "A good dinner, and company that pleased me mightily, being all eminent men in their way."

The dinners themselves were of the most *recherché* description; worthy of Lucullus himself. Sir Henry was very abstemious, for I noticed that he ate and drank very little, but he took care that his guests should have of the very best. He took an enormous amount of pains about it. He used to get a particular kind of ham, he told me,

from Bavaria, and for eighteen hours it simmered under his own direction; and all the rest of the repast was treated with the same care and refinement. These octaves became quite a popular event in London life, and people were always pleased to be invited. I regarded it as a special favour, because I was not vain enough to include myself in the list of "distinguished guests," but only as a personal friend of his own. Anyway I have had the good fortune to meet at his table many most interesting people whom it "pleased me mightily" to meet.

The Dickens Fellowship was in no way similar to the Boz Club. The latter was a dining club, while the Fellowship was founded for an entirely different purpose. Its main object was to endeavour to carry out in practice the lessons which my father had taught the world: to help the poor, to keep his name well before the public in order that they might also give practical help in the same direction; and, in every way to preach the doctrine which he had promulgated and to do their best to keep his memory green. It was started by Mr. Matz, who worked hard to place it on a proper basis. This he did with wonderful success. The society grew with startling rapidity, and at the present time it not only has branches in many parts of our country, but many others in different parts of the world. Its headquarters are Dickens House in Doughty Street; a house which he had at one time occupied, and in which some of his important work was written. If any proof were needed to show the "vitality" of my father's name at the present day, it will be found in the publication of an interesting magazine entitled *The Dickensian*, which experiences no difficulty in producing, quarter by quarter, a full

number concerned only with my father or matters connected with him in some way or other.

For many years I have been the Life President, a position which my dear sister at one time shared with me. I have not taken a very prominent part in its affairs, but I have always felt a keen interest in its work and development, and I had a very enjoyable evening in 1932, when I took the chair at their annual dinner, which on that occasion was held at Rochester. My sister was on somewhat closer terms with the society than I was and was highly esteemed by its members. That society is still going strong, and I can only hope that it will continue the good work to which its members have put their hands.

CHAPTER VI

A Summer Trip on the Meuse

I HAVE only now to recall two summer boating holidays I had on the French rivers. These were in 1880 up the Seine to Paris, and down the Loire from Orleans to St. Nazaire, and in 1881 down the Meuse from Commercy to Liège. Of the first I will say but little, as I kept no record; but of the second I give in an abbreviated form an article I wrote about it over fifty years ago. In neither case could the French people understand our reasons for taking so much violent exercise. At first they thought we were "*commis voyageurs*." Finding they were wrong in this they put us down as amiable English lunatics. They were interested in us for all that. I remember, when we were rowing down the Loire one day, I had not been able to get any fruit for our lunch, so we stopped at the first promising-looking fruit garden and interviewed the proprietor, telling him we were Englishmen travelling in our rowing-boat for pleasure, and asked him if he could provide us with some fruit. He was a very cheery, apple-cheeked old gentleman, with an immense straw hat. He took us into his large granaries, which were filled with pears, grapes and other fruits lying on the straw to ripen. He then got an immense basket which he filled with the choicest of fruit and when we asked him what we had to pay he declined to take one penny. "*Mais non, Messieurs,*" taking off his straw hat with a bow, "*s'il vous plaît—je suis*

enchanté d'être de service à messieurs les anglais car j'aime beaucoup les anglais. Bon voyage."

The trip on the Meuse deserves a fuller record, for it was a novel form of holiday, with the extra merit of being an extremely delightful and an extraordinarily cheap one.

It is astonishing, considering the love Englishmen bear for the water, how little enterprise is shown by boating men in the manner in which they take their summer holidays. This can hardly arise from want of energy; we are not as a rule lacking in that. No; the fact is that the general body of tourists like to follow the beaten track, by which means they avoid the necessity of thinking out a route for themselves, with the result that they spend the few weeks they have to spare among the friends of whom they would fain be rid for a time in crowded hotels and at considerable expense and inconvenience.

To those who wish for something wholly different, for a holiday easily taken, full of variety and incident, amidst beautiful scenery and among charming people, cheap and eminently untouristical, the following account of a boating trip down the Meuse may prove of interest in the present, and possibly of use in the future, when the holiday time comes round once more.

Early in the month of August, 1881, the *Maid of Kent*, a light yet roomy inrigged skiff, liberally supplied with all necessary fittings, was shipped from the Port of London for Commercy, a small town in France, situate on the banks of the River Meuse. She was followed some days later by her crew, who had the satisfaction of finding upon their arrival that the conveyance of their boat had been effected in perfect safety and for a very moderate outlay.

The crew consisted of four hands all told, to wit, the

Ambassador, the Waddler, the Purser, and the Poet. The Ambassador prided himself upon his intimate knowledge of the French language. So did the Waddler, but with this difference: the former could speak French fairly well, while the latter couldn't speak it at all. The Ambassador had been elected to his high office (the duties of which consisted in interviewing hotel proprietors) by reason of the suavity and politeness of his manners. To an ordinary person a simple bow might seem to suffice in greeting a native. This was not enough for the Ambassador. He would bow and scrape and scrape and lift his hat until the brim was worn threadbare by constant friction. And then his language! When he asked his next-door neighbour for the salt, he never rounded off his request with a stereotyped commonplace "*S' il vous plaît.*" "*Passer le sel, je vous prie,*" was his mode of expressing himself on these important occasions; a manner of putting it which so startled all hearers that he never had to wait long for what he asked. The Waddler, the best tempered and most chaffable of men, was chiefly remarkable for his insane and frantic efforts to converse with the natives. He spluttered much and shrugged his shoulders to perfection; but alas, his vocabulary was but small. "*J'ai grande femme! Oui! Bong,*" he would say when he was hungry, but he was never heard to say more. The Purser, the only married man of the party, was necessarily staid and solemn. The Poet was asthmatic; the Poet had not an atom of poetry in his soul. He was fond of idling and bore a striking resemblance to a celebrated comic actor.

On Sunday, the 21st, the *Maid* was safely launched on the waters of the Meuse, or rather on the shallow expanse of weeds which in that part of the country represents that

majestic river. With the Tricolour and Union Jack flying at her bows, with the luncheon-basket well filled, with the luggage closely packed and covered with waterproof sheeting, she commenced her voyage amidst the shouts of two small gamins and one lone fisherman.

She was not destined, however at the outset to proceed with that amount of expedition which had been anticipated for her. Every sort of obstacle seemed to spring up to bar the way. Forests of weeds, spreading from bank to bank with no apparent outlet, appeared at short intervals. Weirs had to be passed, the luggage removed, the boat emptied and lifted bodily across. For four hands this proved a somewhat troublesome job; but luckily help was always to be found in the shape of a stray peasant, who on every occasion appeared at the right moment to lend a hand. No matter how deserted the country appeared to be in the vicinity of a weir, this spectral peasant seemed to spring from the ground for this very purpose. Why he was there was a mystery which was never satisfactorily cleared up; but there he always was, smiling, bowing, ready to make himself useful.

The interest excited in the minds of the country people by the *Maid* and her occupants was very great. The workmen desisted from their work, the fishermen even allowed their floats to disappear beneath the water without striking the fish, the children hallooed. On one occasion a dog, evidently of boating proclivities, followed the boat for a considerable distance along the bank, running from point to point to get a nearer view of the startling spectacle; on another, an amiable-looking donkey, drawing one of the little covered carts of the country along the road of the river, was so upset by the unusual sight that, in spite of

the expostulations and entreaties of the elderly and buxom lady in charge, he fairly turned in the opposite direction and bolted as hard as he could bolt. The only bystanders who looked on quite unmoved were the *blanchisseuses*, who continued to thump and hammer at their wet linen as though nothing unusual or out of the common was passing before their eyes. Advice of all sorts and kinds was tendered, certainly the most practical being to the effect that they had better give up their attempt and return to the place from whence they came. On one occasion a fat and greasy fisherman gesticulated so wildly and shouted so frantically as the boat passed him that the crew actually pulled in shore to hear what valuable information it was that he wished to communicate to them. With considerable curiosity and interest they awaited his pleasure, and were rewarded by hearing the heart-stirring news that he had been unfortunate enough to miss his footing and get a ducking in the river. This was information indeed, and with lighter hearts the expedition proceeded on its way.

It had been hoped that on the first day St. Mihiel would have been reached; but the difficulties and delays were so great that at seven o'clock the boat had got no farther than Mécrin, a small village some fifteen or twenty miles from the proposed resting place. The prospect was by no means encouraging. To row twenty miles with a repetition of the delays and difficulties already experienced was out of the question; but on the other hand Mécrin—Mécrin was small, Mécrin was dirty, the odour of Mécrin was certainly not refreshing, the probability of the inhabitants being of cleanly habits was somewhat remote.

Finally the crew had to adopt the only course still open to them. Leaving the *Maid* by the river-side and deposit-

ing the lighter articles in the hands of a sympathising peasant, they took the train to St. Mihiel. Their reception at the Hôtel du Cygne there was most cordial and hospitable. An excellent dinner, at the astonishingly cheap price of three francs a head, including wine, and an enormous number of *plats*, was soon before them; and when they retired to rest they found that the bedroom arrangements were as excellent as the cuisine.

From St. Mihiel the river is canalised, and, under ordinary circumstances, the navigation unobstructed and fairly easy, but at this time the locks wellnigh to Verdun were under repair. The same tactics had therefore to be followed. To bring the boat from the place where she had been left to St. Mihiel occupied a day; while another day was passed in rowing her up to the little village of Bannoncourt, where as before she was left for the night. On this occasion the fittings and lighter luggage were left in charge of a cheery little *garde-champêtre*—a charming, apple-cheeked, bright, vivacious little man, with a merry eye and pleasant smile.

Leaving the train at Bannoncourt next day they went to the home of their friend of the previous night to pick up their things. His house was a sight to see. On first entering it one found oneself apparently among the cows; but a door being opened on the left, the delighted host led the way into the rooms occupied by himself and his wife. There sat the old lady, seventy years of age or more, her spinning-wheel before her, picturesque in herself, but made more so by her surroundings: a large tiled hearth, the usual carved armoire black with age, an old-fashioned bedstead, the whole brushed up and polished, of spotless cleanliness. The aged couple received their visitors most

warmly and refused the gratuity which was, with considerable diffidence, offered them for their services.

The worthy garde was somewhat disappointed that the crew declined his offer of a glass of cognac, which at 9.30 a.m. appeared to them slightly out of place; but he made up for this rebuff by exchanging a hearty shake of the hand with each member of the party; and so, with much taking off of hats and many mutual good wishes, the crew took their departure.

From Bannancourt they proceeded on their journey to Verdun; but though the navigation was much easier than before they were not yet to have it all their own way. Being ignorant of the fact that the locks in this part of the river were under repair, they took a fruitless row of some three miles or so up the long and monotonous canal. There was nothing for it but to row back again or to carry the boat across the land to the river, which lay a mile on the left. The latter course being considered preferable, a scout was sent out to seek for assistance. As good luck would have it, he came across two country fellows engaged in mending a long cart. The facts of the case were laid before them. Could they transport the boat? Had they any means of conveyance? "*Parfaitement,*" was the reply. "*Nous avons juste votre affaire.*" Exit the elder of the two; re-enter the same with a tiny wheelbarrow, large enough at the highest calculation to carry the smallest bag which formed part of the luggage of the crew. This being considered hardly suitable for the purpose, a horse was harnessed to the very cart upon which they were at work and, after being carried in dignified procession through the neighbouring village, the *Maid* was once more launched on the waters of the Meuse.

Whilst disporting themselves in the water that day, in the course of their usual midday bathe, the crew observed that they were closely watched by a little elderly man in a blue blouse who seemed to note their every movement with astonishment and awe. Taking courage he gradually approached and entered into conversation. "*Sapristi! plonger dans l'eau profonde, voyager dans une nacelle comme ça! Sacré nom de Dieu! j'ai soixante-cinq ans, et pourtant je n'ai jamais fait cela.*" On everything that was told him he passed this suggestive comment, "*Sacré nom de Dieu!*" lengthening out the first syllable of the first word in proportion as the information given struck his admiration. One of the crew gave him some veal. Of this he ate heartily; but reserving a tiny morsel, he carefully wrapped it in paper and thrust it in his trousers pocket to take home, as he said, and show what "*Messieurs les Anglais*" had given him. When smoking time came round and vesuvians were lighted, he laughed like a child, and here the first syllable of his favourite word sounded as though it never would come to an end. Two of the vesuvians were given him. He was horribly afraid that they would go off, and suggested that he should put them in his hat; but being assured that they were quite safe he consigned them to the same pocket that held his veal, this pocket forming apparently the sole receptacle for every article he possessed—animal, vegetable, or mineral.

Let no one who takes this trip in the future stay long at Verdun. The town is noisy, the people are noisy, the hotel is noisier still, whilst discomfort and inattention reign supreme. Rather let him go on as quickly as possible to the little town of Dun, some thirty miles farther down the river, at which place he is sure of a hospitable welcome

and comfortable accommodation at the little Hôtel des Voyageurs, which stands in a most picturesque situation almost over the falling weir.

At this charming little place the crew of the *Maid of Kent* arrived late one night, after a day of adventure and misfortune. Though the locks below Verdun were in perfect working order, the crew, in order to avoid the monotony of the occasional stretches of canal, determined to stick to the Meuse. The result was disastrous. While taking the *Maid* across a weir an ominous crack was heard. When replaced on the river she was discovered to be leaking badly, and, being beached, a nasty hole was found. No help was near; the crew were left to their unaided exertions.

So pleased were the crew with the excellence of the hotel, so enchanted were they with what they saw of Dun in the early morning, that they determined to rest there for the day. It was indeed a beautiful spot. Imagine a high, precipitous, and wooded hill, on the top of which is perched an old-fashioned village, and the descent from which lies through picturesque and tortuous paths. From its summit a fine view is to be had of the surrounding valley, with the Meuse making its way corkscrew-fashion across the plains, while its sides are planted with vines and studded with the remains of old walls, round which the foliage clings lovingly. At its foot nestles the lower town of Dun, with its picturesque straggling street and old-fashioned houses opening on to the river, and the falling weir which soothes the ear as it splashes down and keeps up its perpetual song of rushing water. For miles around the eye can follow the erratic course of the fickle river, never constant to one form of line, but wandering

seemingly of its own will and pleasure in the most strange way, at one place apparently starting off with sudden determination, at another bending back as though loth to quit its resting place.

Upon the boat being examined it was found to be in such a state as to render it imperative that some more lasting repairs should be done to her than could be effected by the unprofessional exertions of the crew. A *menuisier* was accordingly summoned and a solemn conclave held, in which many of the more important citizens of the town took part *en amateurs*. Of course, everyone made a suggestion, and of course every new suggestion differed entirely from the one preceding it. There was a great deal of talking and much violent gesticulation, the result of which was to drive the *menuisier*, a man of no originality whatever, into a state bordering on distraction; but at last the satisfactory conclusion was arrived at, that all that was required was "*un morceau de toile avec un peu de goudron.*" The horror of the crew may be imagined, therefore, when, some hours later, the wretched *menuisier* was discovered in the act of fixing to one side of the boat an immense sheet of sheet-iron (*tôle*) which must inevitably have caused her to capsize the moment she was placed in the water. Upon being remonstrated with in somewhat forcible language, he mildly answered that he had understood the order to have been for some *tôle*, and, with a feeble chuckle, went on to say: "*Il n'y a qu'un i de différence.*" It was with some difficulty that he could be induced to abandon his plan of turning the *Maid* into an ironclad; but in the end the necessary repairs were done, and on the next morning, amidst the cheers of a large crowd of Dunnites, the expedition continued its journey.

From this point all was plain sailing, and the river proved to be as fine a boating river as any that can be found in England or elsewhere.

From Dun the expedition proceeded to Mouzon, and a splendid day's rowing they had. The weather was perfect, while the river was far more picturesque than they had yet seen it.

Not the least enjoyable part of the day, or for that matter of any of the days spent on the river, was the luncheon. To the purser was entrusted the duty of having the basket filled before starting, and great was the excitement when, the plunge in the river over and the waterproof sheets spread under a shady tree, the purser slowly revealed to sight the delicacies which he had had the forethought to supply. The lunch was succeeded by the pipe and the midday lounge, and then to work once more.

At Mouzon, which was not reached until somewhat late in the evening, rather rough but very clean and good quarters were found in the hotel facing the church. This church is the great feature of the town. It is of great age and beauty, but its beauty, which must have been very striking, is fast disappearing beneath the hands of self-styled restorers. The old stone, stained and darkened by age, is being replaced by new, while the quaint old carving is rapidly disappearing under the hands of man—in a word, the church is being spoiled. A few laurel wreaths, a flag or two, an extra cleanliness among the blouses and an increased jauntiness among the women, betokened that Mouzon was *en fête*. Mouzon being *en fête*, it naturally follows that the citizens of Mouzon must dance, and dance they did with much vigour and apparent enjoyment.

With their noses flattened against the windows of the

ballroom, the crew looked in and surveyed the scene. In a long and not over well-lighted room with whitewashed walls, some hundred and fifty peasants, the men mostly in blouses, were engaged in tripping it on the light fantastic toe. Light it did not on the whole appear to be, fantastic it certainly was. The amount of exercise taken by some of the men in the quadrilles was stupendous. They wriggled, twisted, bowed, gesticulated opposite their partners until to all appearance they could keep it up no longer, when suddenly taking a new lease of life they would dash at their *vis-à-vis* and, seizing them violently round the waist, twirl them round like a teetotum to that extent that it made one giddy to see them. How hot they got, and how persistently they kept every window hermetically sealed!

From Mouzon to Sedan was like treading at every step on a page of history. The disastrous history of the war between France and Germany in 1870. On the right bank lay Bazeilles, where, it will be remembered, the hardest fighting about Sedan took place; over the river stretches the bridge so splendidly defended by the French Infanterie de la Marine, while along the left bank runs the line of hills from which the Germans shelled the town, gradually approaching their batteries nearer and nearer to the gates, until, on the morning of the capitulation, they were within half a mile of them. Sedan itself lies at the bottom of a hollow, with hills encircling it on all sides. It forms the bottom of a basin of which the Germans held the rim, and from which they hailed down shot and shell on the practically defenceless town. Bazeilles still bore melancholy traces of the fierceness of the fighting, several of the houses being still in ruins, while in the market-place, which was taken and retaken several times, a large monument has

been erected in memory of those who fell in defence of their country. Sedan is still a flourishing and populous town, and it was not without a considerable amount of dismay therefore, that the crew found that, roughly attired as they were, they had to march through the most populous streets in order to reach their destination. This they did to the intense astonishment and amusement of the natives, a small crowd of whom followed at their backs, criticising their personal appearance in a manner which was on the whole the reverse of complimentary.

Here they put up at the house of some French friends of one of their number, at whose hands they received a welcome and a reception of so warm and hospitable a nature as to make their stay there one of the most charming episodes of the whole trip. There they tasted and enjoyed frogs for the first time in their lives; there too it was that they drank a couple of bottles of Roederer's still champagne of 1848, which must for ever live in their memory.

An agreeable treat was in store for the crew on the day they left Sedan. They were accompanied for a part of their journey by their host and hostess. He was a gentleman very well known and respected among the townspeople, and their astonishment may therefore be imagined when they saw their honoured townsman and his wife start off in a fragile boat, in company with four rough and somewhat shabby Englishmen. A pleasant row was the consequence, followed by a delightful picnic on the river side, at which, to the great joy of the crew, another bottle of the Roederer was produced by their ever-hospitable host. At Donchéry his carriage was in waiting and the crew, with unfeigned regret, bid his wife and himself good-bye. On this occasion, it is perhaps superfluous to add, the

rowing of the crew was at its very best. The purser was quite unable to hold an oar but the remaining members rowed with an amount of force which they had never before displayed.

The *modus operandi* of the Waddler was to say the least of it peculiar. He rolled about the boat a good deal and perspired freely, working with an amount of vigour that did him credit; but for some reason or other the effect was disappointing. The roll of his body in getting forward was so terrific as to send the *Maid* wellnigh on to her beam ends, while he, staggering under the shock, only succeeded in keeping his equilibrium by giving a convulsive and agitated dig at the water, and plunging his oar down as deep as it would go. What little work the Poet did—and it was very little, for he was a man who loved repose—was apparently done with the help of his tongue. With the commencement of each stroke out would come that useful but unruly member—to accompany every graceful sweep of the oar through the water with a sympathetic flourish of its own, until its career was cut short by the reappearance of the blade once more above the surface. The Ambassador was essentially a passionate rower; dashing at the water and casting it from him, as though he were running a race with bow to see which could get through the stroke first.

Staying one night at Mézières, a strongly-fortified town, the expedition proceeded on its way to Monthermé. About six miles below Mézières the Meuse enters the Ardennes country, from which point down to Huy the scenery is of the most striking and picturesque description. Almost from the water's edge rise precipitous masses of rock covered with green foliage, the bare outlines of which are shaded

off by the wooded hills which rise boldly in the background. In some places the mountains recede into comparative distance; in others they close in upon the river on all sides, frowning down upon it as though upon a lake from which no outlet can be found, until a sudden turn in the twisting river dispels the illusion, and the rocky precipices give way once more to undulating hills and pleasant valleys. At Monthermé the expedition passed four enjoyable days, putting up at the very comfortable and clean little Hôtel de la Paix, where they were charged seven francs and a half a day for their board and lodging. This is the most beautiful place on the Meuse, and well worth a visit. The town itself is built in a straggling way along the banks of the river, which here makes a wide detour almost in the form of a semi-circle. Facing the town is a high and precipitous cliff rising boldly and proudly against the sky, while to left and right the forest of the Ardennes is seen extending in the distance for miles and miles without an apparent break in its continuity. The walks in the neighbourhood are most beautiful, especially in the valley of the Semoy, a small river which falls into the Meuse just outside the town.

Fumay is not recommended as a resting-place. It is dirty, noisy, and in no sense remarkable, the only striking feature about it worthy of mention being the washing apparatus of one of the crew, which consisted of a very small oval pie-dish and a broken tin coffee-pot strongly impregnated with the odour of the French national beverage. Givet may be dismissed in an equally summary way; but though the towns were uninteresting the river scenery continued as beautiful as before.

At Dinant a week's halt was made, which was amply

justified by the beauty of the surrounding country and the excellence of the Hôtel des Postes. Ten francs a day for board and lodging, the former liberal and the latter excellent, was the moderate charge at this establishment, while the country round about is full of interest and beauty. To an artist the valley of the river Lesse alone presents subjects enough to occupy a summer's sketching; while the walks in the neighbourhood are of such a nature as to satisfy the most ardent and exacting of pedestrians.

It was very lucky for the crew that they had made up their minds to make a halt of some days here, for the sky was overcast and it rained heavily; so heavily, indeed, that one night the *Maid* had to be beached to save her from being carried away by the sudden rising of the river and by the flood which, in the course of a few hours, came sweeping down at a tremendous pace, carrying everything with it. When the rain ceased the river fell almost as quickly as it had risen, and the flood subsiding with equal suddenness, the journey was continued by easy stages. From Dinant to the pretty town of Namur, from there in pouring rain to Huy, and so through a land of mines, factories and smoke to Liège, where the crew pulled up for the last time.

On their arrival there they were fairly tired out, as the row had been a hard one. So in order to give fresh courage to the crew, the purser interviewed "mine host" and gave the order that he was to produce the best bottle of Burgundy that he had in his cellars, and as we were in the Burgundy area we expected much. The result was a bottle of the finest Chambertin I ever tasted; and I am inclined to think that that order was not confined to one bottle. At Liège the trip came to an end and the *Maid*

was placed in the hands of agents for consignment to London.

In conclusion, a few general words of advice to those who have the good sense to try this trip for themselves may not be out of place. Begin the journey at Verdun, unless, indeed, you like the excitement of overcoming obstacles; be sure to seek out the chief engineer at that place, as well as at Mézières, and get his written permission to pass through the locks, otherwise you will find yourselves very soon stranded. Take a liberal supply of boat-hooks, with extra sculls, tow-rope, wood, spare rowlocks, nails and necessary tools. Above all, take two or three strong rollers for crossing the weirs, in case you wish to avoid the canal and follow the river throughout. Be prepared with two large pieces of waterproof sheeting to cover the luggage fore and aft. Do not forget guide-books, passports, maps and pocket-filters, and, above all, take as little luggage with you as possible.

CHAPTER VII

The End.

My judicial work continued to be carried on under the same happy conditions as before for wellnigh fifteen years. I had been appointed in October, 1917, so that, although in my case there was no limit of age, the fifteen years which had to be served to secure a full pension would expire in October, 1932. As this time approached, although my faculties remained quite clear and my power of grasping facts was still entirely adequate, I began to feel somewhat more weary at the end of a day than I had been used to feel. My hearing was also not so good as I should have liked it to be, although there was no organic trouble of the organs of hearing.

Taking these facts into consideration. I came to the conclusion that the time had come when I ought to make way for a younger man, and I wrote a letter to the Lord Mayor resigning my position and giving my reasons for doing so in a letter of which the following is a copy:

My dear Lord Mayor,

I think the time has come when I ought to make a revelation to you which may possibly surprise you.

On October 18th next I shall have served fifteen years in the post of Common Serjeant, when I shall have earned my full pension. After very anxious consideration, I have, most regretfully, come to the firm conclusion that I should



The Author and his Wife in 1933

then retire and give place to a younger man. There are several reasons which have driven me to that conclusion.

I do not think it fair to other men to keep on this job indefinitely, as I shall be eighty-four next January. I could not, in the very nature of things, continue much longer, and I think it fair not unduly to delay my going. I think it is far better to go at the present time, when I know I am fully capable of doing my work on the Bench as well as I have ever done it, instead of lingering on with the feeling that I might be holding on to my post too long in the interests of justice. The long and heavy cases of fraud have found their way into my court, and I should not wish it otherwise; but I certainly found, I must confess, that a very long and complicated case which was before me two sessions ago tired me much more than such a case had done in previous years.

My Lord Mayor, I hate the idea of going. It will be a great wrench, I need hardly say. Nor, having regard to the present burden of taxation, can it be said that this is a very opportune time to retire on a pension. My fifteen years in the City have been the most interesting and happiest years of my life. I have come to love the City life and its surroundings, and I thank my many friends here, who have added very much to my happiness. But, in spite of all such considerations, I am quite satisfied, as are my home circle, that the step I am going to take is the right and only one for me to adopt. I propose to continue in my office until October 18th next, and so to date my resignation at that time, and to enable me to take my share in the work at the October Sessions which begin on that date. But I think it right to give you the present notice of my intention before going away for my holiday.

RECOLLECTIONS OF SIR HENRY DICKENS

With many thanks to all my friends in the City, including yourself, for their great kindness, sympathy and indulgence.

I remain,

Yours most sincerely,

Henry Dickens,

Common Serjeant.

I was approached by a leading member of the Council with a view to my withdrawing my letter; but I had carefully considered the matter before writing it and consequently I felt I must adhere to it.

On October 18th I took my leave in open court. It was a very trying ordeal to me, and the scene was one which I shall never forget. The court was crowded, and I realised that this was no mere empty ceremony, but was intended to give expression to that warm attachment which had grown up between myself and the Bar during the many years I had sat as judge in that court.

On October 8th the Court of Common Council passed the following Resolution:

“That this Court desires to express its deep regret at “the resignation of Sir Henry Fielding Dickens, K.C., who “has occupied the important office of Common Serjeant “of the City for the period of fifteen years with great “ability and distinction.

“In placing on record their deep appreciation of his “valued services to the City, the members of the Court “trust that he may long enjoy his well-merited retirement.”

This was followed by a farewell dinner, which was

given in my honour by the members of the Central Criminal Court Bar mess, a farewell greeting which was of the utmost warmth and which put a final end to a career of nearly sixty years, of which I have endeavoured in this book to give some short account.

In this, as in all things, an end must come, at last. It has come to me, and I must accept it with such equanimity as I can command, for I do not at all look forward, I must confess, to a life of enforced idleness. To quote Chaucer once more:

“Some tyme an ende there is of every dede
Then it is wisdom as it thinketh me
To maken vertue of necessite.”

I began this book by dedicating it to my beloved wife. Remembering what she has been to me and what she has done for me, for the last fifty-seven years, I feel I cannot end it better than by saying “God bless her!”

FINIS

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